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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

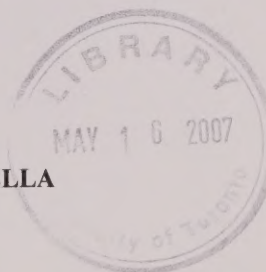
• VOLUME 143

• NUMBER 85

OFFICIAL REPORT
(HANSARD)

Tuesday, April 17, 2007

—
THE HONOURABLE NOËL A. KINSELLA
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, April 17, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

**CORPORAL KEVIN MEGENEY
SERGEANT DONALD LUCAS
CORPORAL BRENT D. POLAND
CORPORAL CHRISTOPHER PAUL STANNIX
CORPORAL AARON E. WILLIAMS
PRIVATE DAVID ROBERT GREENSLADE
PRIVATE KEVIN VINCENT KENNEDY
MASTER CORPORAL ALLAN STEWART
TROOPER PATRICK JAMES PENTLAND**

SILENT TRIBUTE

The Hon. the Speaker: Before we proceed, I would ask honourable senators to rise and observe one minute of silence in memory of Corporal Kevin Megeney, Sergeant Donald Lucas, Corporal Brent D. Poland, Corporal Christopher Paul Stannix, Corporal Aaron E. Williams, Private David Robert Greenslade, Private Kevin Vincent Kennedy, Master Corporal Allan Stewart, and Trooper Patrick James Pentland whose tragic deaths occurred recently while serving their country in Afghanistan.

Honourable senators then stood in silent tribute.

• (1405)

[Translation]

SENATORS' STATEMENTS

CORPORAL PUNISHMENT OF CHILDREN

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I rise today to speak out against an issue that the media reported last week: spanking classes for parents offered by a school board in Quebec.

Just imagine: they call this a "course in managing difficult children". They might just as well say, as the papers have put it, "Spanking 101".

Parents should certainly be offered classes that show them how to do a better job of raising their children and that help them out when they need help. That being said, any form of corporal punishment applied to children is totally unacceptable.

In April 2006, to counter the kind of family violence that arises from archaic and barbaric practices, I tabled Bill S-207, which would finally enable Canada to fulfill its international obligations by prohibiting corporal punishment. Eighteen countries have already taken this step, including the Netherlands on March 6.

To confirm that so-called pedagogical spanking is unacceptable, 253 Canadian organizations recently signed the joint statement to prohibit physical punishment. Among the signatories were the Saskatoon Public School Board, the Ottawa-Carleton District School Board and the Newfoundland and Labrador Eastern School District, to name but a few.

Honourable senators, the debate is now open, and we eagerly await the report of the Committee on the Rights of the Child. Legislators are responsible for studying this controversial practice, as the Hon. Louise Arbour stated in the Supreme Court's ruling on the matter. Now the UN High Commissioner for Human Rights, Ms. Arbour said at the time that this issue should be studied in light of the Charter — an important day for us today — current social norms and the body of evidence.

Today, as we celebrate the 25th anniversary of the Canadian Charter of Rights and Freedoms, we must ensure that all Canadians, including the children, receive its full protection.

In closing, I would like to quote Thomas Hammarberg, Commissioner for Human Rights at the Council of Europe, who put it very clearly:

[English]

He said:

How can we expect children to take human rights seriously and to help build a culture of human rights, while we adults not only persist in slapping, spanking, smacking and beating them, but actually defend doing so as being "for their own good"? Smacking children is not just a lesson in bad behaviour; it is a potent demonstration of contempt for the human rights of smaller, weaker people.

Strangely, those who are between two and 12 are the only human beings in this country that are allowed to be corrected physically.

• (1410)

BATTLE OF VIMY RIDGE

NINETIETH ANNIVERSARY— COMMEMORATIVE CELEBRATIONS

Hon. Michael A. Meighen: Honourable senators, last week I, along with a number of our colleagues, participated in ceremonies marking the ninetieth anniversary of the Battle of Vimy Ridge and the rededication of Walter Allward's inspired and inspiring monument which stands on its crest. Each of us felt that we had shared a unique and unforgettable experience; an experience which reinforced our pride in Canada and Canadians, but especially in our youth. This sense of pride grew throughout the weekend, culminating with the ceremony on Easter Monday. It

began with the Saturday Sunset Ceremony highlighted by the brilliant and timely rays of sunlight that focused on the two gleaming pylons of the restored monument.

On Easter Sunday, we witnessed the awarding of the Freedom of the City of Arras to the Canadian Forces contingent whose precision in the march past would, I am certain, have brought a gleam of pleasure to the eye of even the most demanding of sergeant majors. At dinner that evening, Prime Minister Harper eloquently reminded us that recent events in Afghanistan demonstrate anew that sacrifice is unfortunately but unquestionably the price of freedom today — as it was 90 years ago.

Monday was a day of superlatives, including the weather. There was undeniably a very special feeling in the air, for as the Prime Minister pointed out:

We are a long way from home. But there may be no place on earth that makes us feel more Canadian. Because we sense all around us the presence of our ancestors

For me and I think for the others, the crowning moment came just before the ceremony when down the flank of the ridge there appeared a seemingly endless stream of young Canadians cheering and waving flags. These inheritors of freedom, as someone described them, gave to the solemn proceedings a life and spirit and sense of hope that otherwise would have been lacking.

Obviously there has existed for some time now an unrequited thirst by our young people to learn more about the defining events of our history. Much of the credit for answering that pent up demand goes to people like Dave Robinson, a teacher from Port Perry, Ontario. Mr. Robinson and his colleagues, on their own, armed with only imagination, determination and a vision of what could be, spread the message of Vimy to students far and wide, and they gladly took up the challenge. They each raised the money necessary to travel to France and bore on their shirt the name of one of the 3,598 Canadian casualties whose life they had carefully researched. In the end, it was they, the youth of Canada, who defined so eloquently and vividly this seminal event. It was they who gave strengthened meaning to the words that are inscribed on memorials everywhere to our war dead: "Their Name liveth forevermore."

Perhaps I might end by quoting another Prime Minister of Canada who, at the Thélus Military Cemetery on Vimy Ridge, spoke these words which are as true today as when first uttered on July 3, 1921:

France lives and France is free, and Canada is the nobler for her sacrifice to help free France to live. In many hundreds of plots throughout these hills and valleys, all the way from Flanders to Picardy, lie fifty-thousand of our dead. Their resting-places have been dedicated to their memory forever by the kindly grateful heart of France, and will be tended and cared for by us in the measure of the love we bear them. . . . Across the leagues of the Atlantic the heartstrings of our Canadian nation will reach through all time to these graves in France; we shall never let pass away the spirit bequeathed to us by those who fell

[Translation]

THE LATE JUNE CALLWOOD, OC

Hon. Lucie Pépin: Honourable senators, June Rose Callwood passed away on April 14, 2007, at the age of 82. We have lost a great Canadian. Throughout her life, this Chatham native selflessly dedicated herself to social causes, particularly those affecting children and women.

June Callwood, who was known by some as the Conscience of Canada, was a compassionate woman. On March 7, she received the Writers' Trust Award for Distinguished Contribution. During the ceremony, she told the audience:

[English]

If any of you happen to see an injustice, you are no longer a spectator; you are a party to that injustice and have an obligation to do something.

[Translation]

Those words, spoken just one month before her death, guided her throughout her life. June Callwood started taking action against social injustice early on. She took part in more than 70 service organizations and founded a number of social action organizations herself.

Shocked by the sight of young people living on the street in the late 1960s, she created Digger House, a shelter for homeless youth in Toronto. This house marked the start of her hands-on involvement. In 1974, she and some others founded a shelter for abused women called Nellie's, after the activist Nellie McClung.

In 1982, Jessie's Centre for Teenagers was created for pregnant teenagers and teen parents. Casey House, a palliative care hospice for persons infected with AIDS, opened its doors in 1988. It was the first of its kind in Canada.

• (1415)

[English]

June Callwood also leaves her mark as a civil liberties crusader. She was involved in the founding of numerous organizations including the Canadian Civil Liberties Association, Justice for Children and Youth, Connecting Seniors of Canada and Feminists Against Censorship. Although she is considered to be a latecomer to the feminist movement, June worked tirelessly to defend the rights of women. She was a founding member of the Canadian Association for the Repeal of Abortion Laws in 1972 and became a founding member of Canadians for Choice in 1989. I had the privilege of working with her during those years.

[Translation]

In addition to her dedication as a volunteer, June Callwood worked as a writer in all forms of media, including television, radio, newspapers and magazines. In particular, she wrote columns for *Maclean's*, *Chatelaine* and *The Globe and Mail*. A prolific writer, she also wrote 29 books. Her work and career earned her the Order of Canada, as well as a number of honorary doctorates.

Honourable senators, I rise here today to pay tribute to this formidable woman. Her record of achievements is remarkable. She has made an enormous contribution to Canadian society.

Please join me in offering our most sincere condolences to Trent Frayne, her husband and partner. May his affection for June be his source of comfort.

[English]

STATUS OF WOMEN

Hon. Nancy Ruth: Honourable senators, today is the twenty-fifth anniversary of the Constitution Act, 1982, and a woman's right to choose is still not a right in Canada.

Our Charter is part of the supreme law of Canada with respect to democratic, mobility, legal, equality and other rights. Our work is informed by these constitutional principles. We have regard for them whether we are recommending policy, making laws or reviewing how our laws or policy work in practice. The principles are theoretical. Canadians look to them for hope. Canadians look to them for results that can be seen and experienced in every part of the country.

One of the most important cases in our 25 years with the Charter is *Regina v. Morgentaler*. In 1988, the Supreme Court of Canada struck down section 251 of the Criminal Code. Chief Justice Dickson said of the law:

... s. 251 is a law which forces women to carry a foetus to term contrary to their own priorities and aspirations and which imposes serious delay causing increased physical and psychological trauma to those women ... Section 251 ... infringes the right to security of the person of many pregnant women. The procedures and administrative structures established in this section ... do not comply with the principles of fundamental justice.

Honourable senators, I draw your attention to an April 10, 2007, publication of Canadians for Choice entitled, *Reality Check: A Close Look at Accessing Abortion Services in Canadian Hospitals*. The report states that only 15.9 per cent of Canadian hospitals provide accessible abortion services — that is, one in every six hospitals, and most of them are in southern urban areas. Many women in Canada still face incredible barriers such as anti-choice health care professionals, unexpected costs and travel time, and bad referrals. Women and men have reproductive choice in law. They are entitled to reproductive choice in practice. We need to help Canada to reach that objective. As Canadians for Choice states:

... a choice that cannot be exercised in a safe, accessible, supportive and affordable manner is no choice at all.

Honourable senators, some of our committees are dealing with population health, city and rural issues, fiscal balance and federal transfers, human rights and international development and more. Do not forget this constitutional right. Let us write our reports to reflect it.

[Senator Pèpin]

THE HONOURABLE DANIEL HAYS

ANNOUNCEMENT OF RESIGNATION FROM SENATE

Hon. Daniel Hays: Honourable senators, I rise today to share with Senate colleagues, and thereby make public, my decision to retire from the Senate. The decision is one that was made with Kathy and is motivated only by my desire at this time in my life to spend more time in my home city, Calgary, and on my private interests.

[Translation]

I will continue to support the Liberal Party, its leader, Mr. Dion, and the work of Parliament, especially the Senate, which I hold in such high esteem. I am letting my intentions be known at this time in order to facilitate the transition to my private life.

• (1420)

[English]

I anticipate that this process will take until the end of the spring session to complete, by which time I will have served in the Senate for 23 years. I look forward to commenting on my great affection for colleagues past and present and on this place at a later date.

Hon. Senators: Hear, hear!

LAW DAY 2007

Hon. Hugh Segal: Honourable senators, on this, the twenty-fifth anniversary of the signature by Her Majesty Queen Elizabeth II, Queen of Canada, of the Constitution Act of 1982, I would like to draw to the attention of this chamber that today is Law Day across Canada. This year, the Canadian Bar Association's Law Day marks the twenty-fifth anniversary of the new Constitution. Over the past 25 years, Canada has achieved much. We have made further strides to realize equality for all Canadians, regardless of gender, race or belief, although more remains to be done.

Throughout the world and for many decades, Canada has been known as a society where, by and large, justice and fairness do prevail, but we must not take these rights and freedoms for granted. With these rights comes responsibility. We are constantly looking to better our justice system. One way is to ensure that Canadians understand their rights and the workings of our legal system, and that is the *raison d'être* for Law Day.

[Translation]

This anniversary of the Charter has become a real celebration of Canadian life. On this day, the legal profession, legislators, judges and peace officers are taking a break from their work to speak directly to the people they serve. They are also helping Canadians to better understand their rights and obligations. In the end, Canadians will have a better appreciation of how our legal system works.

[English]

The focus of Law Day is "Access to Justice," a theme I strongly endorse. It reflects the right of every Canadian to have equal access to information about the law and the legal institutions of

our country. Public legal information and education activities have been organized across Canada by the Canadian Bar Association involving hundreds of lawyers. Activities include courthouse tours, mock trials, career panels, newspaper supplements, poster contests and fun-runs to raise money for local causes. The aim is to make the law more accessible to all Canadians and to offer educational opportunities for students to expand their knowledge of their rights within our justice system.

I am not a lawyer, honourable senators. My mother never forgave me for not being a lawyer and for becoming a Conservative.

Some Hon. Senators: Hear, hear!

Senator Segal: She was wrong on one of those counts.

I offer my encouragement and support to the Canadian Bar Association as well as to the many legal groups here in Ottawa and across Canada in their endeavours on Law Day. Please join me in extending best wishes to the men and women who serve the law and all of us on this successful Law Day 2007.

ELECTING WOMEN TO GOVERNMENT

Hon. Grant Mitchell: Honourable senators, this afternoon, representatives from every national party committed to the election of more women to Parliament after the next election. The pledge was part of the "Canada Challenge" by Equal Voice, a national, multi-partisan, non-profit organization dedicated to the goal of electing more women at all levels of government across Canada.

Each party must develop strategies that work best for it. Stéphane Dion has pledged to have at least one third women candidates nominated for the next election.

Currently, the other place has only 21 per cent female representation, a number that places Canada forty-seventh in the world, behind Uganda and Vietnam, among others. In fact, during the 2006 election, Canada's number of elected women actually decreased.

[Translation]

The same is true in other public administrations. All of our provincial premiers and all the mayors of Canada's large cities are men. This under-representation of women undermines the legitimacy of our democratic institutions.

• (1425)

[English]

Twenty-five years ago today, the Canadian Charter of Rights was signed. Canadian women have made significant gains since that time; yet, with 52 per cent of the population, women are still overwhelmingly under-represented in our democratic and public life.

Some will say that women who want to run for office in Canada are completely free to do so and that it is unfair or undemocratic to recruit women specifically. However, women face different

attitudes, societal expectations, media coverage, family and social responsibilities, and often have different access to the money and power networks within political parties. The power of incumbency also works against women. It is easier for a current MP to get re-elected, and fewer of them are women.

Statistics show that where women are on the ballot, Canadians will vote for women and men in equal numbers. Often, the greatest barrier to women's participation in politics is getting the party nomination, not the election campaign itself. That is why Equal Voice, in addition to learning tools such as the online campaign school called "Getting to the Gate," has launched the "Canada Challenge" directly to political parties, the gatekeepers to the political process.

The United Nations says that a threshold of 30 per cent female legislators is required to achieve the critical mass necessary to ensure that public policy reflects the perspectives of women. Ninety per cent of Canadians want more women elected. What is necessary is political will. Political parties need proactive recruiting and support for women candidates in winnable ridings. Young women need role models and mentors in elected office.

During the election campaign, Equal Voice will be tracking the number of women nominated and elected by each political party. Let all of us do our part to meet the challenge to increase the number of women in the other place next time.

[Translation]

ROUTINE PROCEEDINGS

SPEAKER'S DELEGATION TO PANAMA AND COSTA RICA

REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I would like to table a document entitled *Visit Report to Panama and Costa Rica*, about the visit that took place from January 16 to 25, 2007.

[English]

SPEAKER'S DELEGATION TO LIBYA, MALTA, THE HOLY SEE AND ITALY

REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I have the honour to table, in both official languages, a document entitled *Visit Report to Libya, Malta, the Holy See and Italy, February 4-14, 2007*.

[Translation]

NATIONAL FINANCE

BUDGET—STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT— REPORT OF COMMITTEE PRESENTED

Hon Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, April 17, 2007

The Standing Senate Committee on National Finance has the honour to present its

FOURTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, September 27, 2006, to examine and report on issues relating to the vertical and horizontal fiscal balances among the various orders of government in Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1332.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1430)

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting, I will move:

That, notwithstanding the Order adopted by the Senate on April 6, 2006, when the Senate sits on Wednesday, April 18, 2007, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to Rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, April 18, 2007 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

ACCESS TO INFORMATION ACT CANADIAN WHEAT BOARD ACT

BILL TO AMEND—FIRST READING

Hon. Grant Mitchell presented Bill S-224, to amend the Access to Information Act and the Canadian Wheat Board Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Mitchell, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

INCOME TAX ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-294, An Act to amend the Income Tax Act (sports and recreation programs).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for second reading two days hence.

[English]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF NATIONAL SECURITY POLICY

Hon. Colin Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later this day I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on National Security and Defence which was authorized to examine and report on the national security policy of Canada, be empowered to report no later than March 31, 2008; and

That the Committee retain all powers necessary to publicize its findings until May 31, 2008.

The Hon. the Speaker: Is leave granted for this to be taken into consideration later this day?

Some Hon. Senators: No.

Hon. Lowell Murray: I should like to ask the chairman of the committee why he seeks this leave.

• (1435)

Senator Kenny: I seek leave because there is no change to the previous mandate. If that is not convenient, I am content to give notice. All senators are familiar with the matter.

The Hon. the Speaker: Leave is not granted.

Senator Kenny: Honourable senators, then I give notice for tomorrow.

[Translation]

QUESTION PERIOD

CHARTER OF RIGHTS AND FREEDOMS

TWENTY-FIFTH ANNIVERSARY CELEBRATION— ABSENCE OF MINISTERS

Hon. Céline Hervieux-Payette (Leader of the Opposition): My question is for the Leader of the Government. On this 25th anniversary of the entrenchment of the Charter of Rights and Freedoms in the Canadian Constitution, in which I participated as a member of the other house, this historic date for our country is being celebrated by a number of citizens and organizations and by our sitting colleagues who worked very hard on promoting article 15 of the Charter on the equality of women in this country.

The Governor General of Canada, the Leader of the Official Opposition, a panoply of members of the judiciary, a significant number of representatives of schools and universities and a number of Canadians from coast to coast marked the anniversary of this event that laid the foundation for our citizenship, our values and our identity. Missing from the festivities were the leading lights of the Conservative government, such as the Prime Minister, the Minister of Justice, the Minister of Canadian Heritage, the Minister of Citizenship and countless others.

Did this oversight occur because of the election preparations or was it by order of the Prime Minister's Office?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I was not part of the government of course, but I well remember that I was part of a group of women who marched on Parliament Hill to protest the fact that women had been left out of the Charter. Flora MacDonald organized a major part of that response.

The twenty-fifth anniversary of the Charter is of course being marked by Canadians. The Department of Justice contributed \$120,000 towards these anniversary celebrations, including \$20,000 towards a conference at the University of Ottawa. The Minister of Justice, the Honourable Rob Nicholson, is speaking

today about the Charter and what it means to Canadians in an address to high school students here in Ottawa.

[Translation]

Senator Hervieux-Payette: In any event, I did not receive an invitation from our colleagues or from the government to this important celebration. In terms of a marriage, the 25th anniversary is the silver anniversary. If the Prime Minister did not order his ministers to ignore the celebration of the Charter of Rights and Freedoms, then perhaps his chief of staff, Ian Brodie, had a hand in this. In a book he wrote, Mr. Brodie talks about the so-called ill effects of the Charter.

I would like the Leader of the Government to say a few words about the ill effects of the Charter of Rights and Freedoms in Canada.

[English]

Senator LeBreton: The premise of the honourable senator's question is entirely wrong. No orders were given by anyone to participate or not participate. The Charter is very highly regarded and held in esteem by all Canadians.

As I indicated in my earlier answer, the Minister of Justice is celebrating the Charter today on behalf of the government. As a matter of fact, I was reading an article the other day by Tom Axworthy, who is well-known to the Liberal Party of Canada, who said that the Charter would not have been possible had it not been for the Bill of Rights brought in by Prime Minister John Diefenbaker. The Bill of Rights, a copy of which I have on my wall, was the forerunner to the Charter. All statements of human rights and Canadian rights are to be celebrated, including the Charter and Mr. Diefenbaker's Bill of Rights.

• (1440)

[Translation]

JUSTICE

TERMINATION OF COURT CHALLENGES PROGRAM

Hon. Céline Hervieux-Payette (Leader of the Opposition): I would therefore conclude that the Charter of Rights, at least here in the Senate, is an extremely valuable tool for the rights and freedoms of Canadians.

On that note, I would like to ask the Leader of the Government if she plans to lobby cabinet to bring back the Court Challenges Program, which enables ordinary Canadian citizens to exercise their rights.

After its multi-billion dollar budget, I do not understand why her government abolished a program that enables Canadians to exercise and clarify their rights. Can she explain why?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Thank you for the question. That decision was made by the government. I was part of that decision last summer when we reviewed government expenditures. I have absolutely no intention of campaigning among my colleagues, in my party or in the cabinet to bring back that particular program.

Hon. Serge Joyal: On that same issue, the leader mentioned she is not ready to campaign to re-establish the program. I am surprised that on the one hand she praised her past action to introduce section 28 in the Charter which deals with the equality of status of both men and women. I am sure she remembers the wording of section 28 well. Section 28 reads:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

I believe she apprises herself accurately about all the women who participated at that time on the representation.

Is she not forgetting, at the same time, that the Court Challenges Program covers section 28 and has been used in the past by individual women who tried to have that equality mentioned in section 28 recognized and implemented with regard to their situation? How, on the one hand, can she tell us that she is proud of her past action regarding section 28 and, on the other hand, say she is not ready to consider that the Court Challenges Program helped to make that section of the Charter real: Not a dead letter, but real results for women in Canada?

I am surprised that, as a woman, she would not want to re-establish the Court Challenges Program for that section of the Charter.

Senator LeBreton: Honourable senators, even I will acknowledge that time marches on. The Court Challenges Program, which was set up for the purposes that the honourable senator describes, was to deal with Charter challenges. The Charter has been with us for 25 years and, as I responded to similar questions when this program was abolished last fall, the purposes for which the Court Challenges Program was set up have been met. Twenty-five years later, there are many other opportunities for people to lobby the government or make their views known. The Court Challenges Program was not the only instrument.

I do not personally feel that, 25 years later, the Court Challenges Program, which was set up to deal with Charter issues, is really necessary.

THE SENATE

MEMBERSHIP ON COMMITTEES AND ACCESS TO STATE DINNERS AND TRIPS

Hon. Anne C. Cools: Can I look forward to equality as a woman? Can I look forward to equal treatment in respect of being chosen as chairman of committees? Can I look forward to equal treatment in being chosen to attend state dinners, and equal treatment in being chosen for trips?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Senator Cools, I am not in charge of state dinners or trips, so I will take the question as notice.

Senator Cools: I am only half jesting.

• (1445)

HEALTH

PATIENT WAIT TIMES

Hon. Marilyn Trenholme Counsell: My question is to the Honourable Leader of the Government in the Senate.

I would ask the government leader to think for a moment about the word "illusion," which comes from that lyrical Latin word "*illusionis*." The Oxford dictionary, ninth edition, defines illusion as deception, delusion, misapprehension of the true state of affairs or a figment of the imagination.

I submit that Canadians are putting their trust in an illusion, thrust upon them by none other than the Right Honourable Stephen Harper. These deceptive announcements relate to health care wait times.

I shall provide a little history. On December 2, 2005, Stephen Harper said this about health care wait time guarantees, "Patients need us to set those targets and start meeting them now, not two years from now. . . . That process will begin immediately after the election, and conclude in 2006." He referred, of course, to the Conservative Party of Canada Platform 2006, "Real solutions for health care — a Patient Wait Times Guarantee," which listed cancer, heart, diagnostic imaging, joint replacements and sight restoration.

On April 5, 2006, Prime Minister Stephen Harper said in the House of Commons: "So we're going to act right away . . . to develop a Patient Wait Times Guarantee."

Twelve months later, on April 4, 2007, he said: ". . . we're delivering . . . guaranteed timely access . . . in at least one . . ."

Honourable senators, the following are examples of the illusion being perpetrated on Canadians: Ontario promised cataract surgery within 182 days by 2009. In 2007, they are currently doing it in 183 days. That is a one-day difference. Manitoba promised cancer radiation within four weeks by 2010, yet in 2007 they are doing it in one week. Nova Scotia and New Brunswick promised cancer radiation treatment within eight weeks because that is what they are doing now.

I ask the Leader of the Government in the Senate the following: Is this an illusion on the part of the Prime Minister? Are the provinces taking the easiest possible route to get their share of the \$612 million on the table? Have sick people from coast to coast to coast been deceived on the issue of wait time guarantees?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. This is a subject in which I have a great deal of interest, having been part of the Senate special study on Canada's health care system when in 2002 we advocated in this very place a wait times guarantee.

The previous government was in power for a couple of years following the publication of that report, and nothing happened. During the last election campaign, the Conservative Party of Canada announced the wait times guarantee, which Senator Kirby, myself and others, had been advocating on the committee and in the Senate.

With regard to Senator Trenholme Counsell's question, however, as she knows, delivery of health care is a provincial responsibility. On April 4, the Prime Minister announced that all provinces and territories have agreed to establish patient wait time guarantees. Over \$1 billion was contained in Budget 2007 in support of more timely treatments for Canadians. These agreements are the necessary first steps towards reversing the growth of wait times that occurred under the previous government's watch, when the average wait time doubled to almost 18 weeks.

Our government will provide financial support for these new guarantees through the Patient Wait Times Guarantee Trust, a \$612-million initiative contained in Budget 2007.

With respect to specifics, Nova Scotia will establish a wait times guarantee in radiation therapy for cancer with its share of \$24.2 million; Alberta has agreed to establish a wait times guarantee in radiation therapy by 2010, to be supported by \$62 million in Budget 2007; and Minister Clement also announced \$205 million to go to Ontario for its cataract surgery guarantee.

Senator Trenholme Counsell: I thank the honourable government leader. Of course, she is repeating what I have read from the Prime Minister's statements and from what happened one or two weeks ago, but nothing really happened.

Despite what the government leader and others have said, there has been a chorus of criticism including words such as "a gimmick," "utter failure," "pre-election posturing" and "just shuffling chairs on the deck."

One Albertan that seemed to be waking up to this government's broken promises said — and I quote: "No government's going to walk away from a pot of money . . . all have signed up for the wait times they're already beaver away at" — and I thought that was a great Canadian phrase — "or successfully meeting." Therefore, nothing new has happened here.

I would ask the honourable leader the following question: Were the hard-earned tax dollars of Canadians used transparently and honestly when each province was given a \$10-million bonus — I would call it a bribe — just to sign a piece of paper in order to save face for this so-called "new" Conservative government?

• (1450)

Senator LeBreton: I think it is irresponsible for anyone in public life to characterize money that is being directed to assist Canadians in wait times as a bribe. As I have said in this place many times, senators can get up and quote various people who have different views on these subjects. I cannot be responsible, nor can any of us, for the views of everyone. Obviously, with any program that the government brings in, no matter which government is in power, one can always dig up a quote from someone who is not in agreement. It is specious to try to respond to quotes from people when we have not even identified the source.

In addition to the wait times guarantee, another important matter that was discussed in the Senate committee, and which the government is now acting on, is the Canadian Health Infoway. We are investing \$400 million in that project, which will lead the way toward full digitization of Canadians' health records and a

national health information management system. Those of us in the Senate who have had an opportunity to listen to our colleague Senator Keon know how important this initiative is to the timely and proper delivery of, and access to, health care in our country.

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF GOVERNMENT POLLING— APPOINTMENT OF DANIEL PAILLÉ

Hon. Grant Mitchell: Honourable senators, I would like to ask the Minister of Public Works some questions. However, it turns out that when he messes up he has to sit quietly, and when he really messes up they do not even let him come to speak or be here at all. I am referring, of course, to his announcement last week of the appointment of Daniel Paillé, a known separatist and former minister of the Quebec PQ government, to conduct a thinly veiled witch hunt on a matter already studied by the Auditor General of Canada. It is interesting and instructive to note that three years ago the Auditor General dismissed this investigation and said that the government was managing public opinion research in a transparent manner and with adequate controls.

In the absence of the Minister of Public Works, my question is to the Leader of the Government. Why is this government abusing taxpayer funds for a blatantly partisan investigation that actually duplicates something that was done perfectly well by the Auditor General of Canada three years ago?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the fact is that this commitment was made to the Canadian public when we campaigned in the last election. Mr. Paillé was Minister of Industry in the Quebec government. He has a master's degree in economics, has extensive business experience and is currently a finance professor in Montreal.

With regard to the term "witch hunt," the study the Minister of Public Works has asked for goes back to 1990. That is the Auditor General's timeline, and as the Minister of Public Works said, he wants a report on this review within six months.

I will repeat what I said at the beginning of my answer: We made this commitment to the Canadian public in the last election campaign.

Senator Mitchell: I have a sneaking suspicion that the leader will make sure her beloved Mr. Mulroney will not be subject to part of this investigation.

Some weeks ago, the Minister of Public Works responded to a question that I asked with this quote: "... all who have been appointed by this government have been properly vetted and are competent appointees." What part of "competent" does this government not understand when they hire a former separatist cabinet minister noted in particular for a job creation boondoggle that created essentially no jobs and cost the Quebec population \$300 million?

• (1455)

Senator LeBreton: I do not think it is within our right to question anyone's competency based on his or her political beliefs. After all, Jean Lapierre, who was Paul Martin's right-hand man, was a former separatist and one of the creators of the

Bloc, along with Mr. Bouchard. I do not know Mr. Paillé, other than my awareness of his considerable resumé. Nevertheless, the minister obviously appointed Mr. Paillé because he trusted him to do a competent job with this file.

With respect to the honourable senator's comment about Mr. Mulroney, since the minister has asked the review of documents to begin in 1990, I assume that would lay his accusations to rest.

[Translation]

VETERANS AFFAIRS

VIMY RIDGE CELEBRATIONS—FRENCH TRANSLATION ON COMMEMORATIVE PLAQUES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, linguistic duality is a Canadian value and an integral part of this country's image. At home and abroad, we must ensure that our linguistic duality and equality are reflected in everything from diplomatic missions to commemorative monuments.

It has come to our attention that there were serious language errors in the French-language historic plaques at the Vimy monument, that the plaques were removed, and that, as a result, there was no recognition in French of Canadian soldiers' achievements at Vimy.

This came to pass because volunteers, not qualified translators, provided the French translation. It is deplorable that the translation of a text relating the history of Canada's participation in a decisive First World War battle should have been entrusted to volunteers, particularly since the text was for a ceremony as important as the one held on April 9, 2007.

Can the Leader of the Government explain why the Department of Veterans Affairs insulted francophone veterans, all Canadians and the French language in France itself?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The incident to which the honourable senator has referred was very unfortunate and regrettable. The Minister of Veterans Affairs immediately ordered the removal of the offending plaques. I understand, although I stand to be corrected, that it was something done in conjunction with the Royal Canadian Legion; however, everything the honourable senator says is absolutely true. This should not have happened. The Minister of Veterans Affairs was appalled and apologetic, ordered the plaques removed and is now ensuring that the contributions of our soldiers, whether they were French, English or of another background, will be properly noted in the two official languages.

FISHERIES AND OCEANS

COAST GUARD—REDEPLOYMENT OF ICEBREAKERS

Hon. Terry M. Mercer: Honourable senators, on April 12, 2007, the Minister of Fisheries and Oceans, Minister Hearn,

announced the redeployment of two Coast Guard heavy icebreakers. The CCGS *Terry Fox* will be deployed from the Maritimes region to the Newfoundland and Labrador region in April of 2008, and the Canadian Coast Guard Ship *Louis S. St.-Laurent* will follow in April of 2009. In a draft Coast Guard business plan for 2007 to 2010, of which I have a copy, there is no mention of redeployment.

Can the Leader of the Government in the Senate tell us why this redeployment is necessary and, if so, why is it absent from the business plan?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I do not have the advantage of having the draft, but in Budget 2007 there was an investment of \$324 million for the purchase and maintenance of six new vessels for the Coast Guard.

With regard to the icebreakers, which follows on questions I had from Senator Rompkey, I shall take the question as notice and get the information for the honourable senator.

• (1500)

Senator Mercer: I thank the honourable senator for the answer, and I will await her response.

I have a supplementary question. The decision by Canada's "growing old" government to redeploy two of the Canadian Coast Guard's icebreakers appears to have been made without consultation with anyone in the Maritime region, certainly no one we can find — not the workers, the union or even local management. It does not even appear to be in the business plan, as I have mentioned.

I am certain of two facts, however: The Conservatives have no seats in the Halifax-Dartmouth region, nor will they following the next election. The Conservatives do have three seats in the province of Newfoundland and Labrador, where the vessels are being redeployed. Is the redeployment a simple election trick to strengthen the prospects of their embattled and fumbling MPs from Newfoundland and Labrador, who have stood by and done nothing for their people?

The final part of the supplementary question is this: Where is Peter MacKay, the regional minister? Why is he not standing up for Nova Scotia? Again, he has failed us.

Senator LeBreton: I thank the honourable senator for that question. However, he must get over his past position as the national director of the Liberal Party. Those characteristics that he ascribes to Conservatives are what Liberals do, not Conservatives.

I will take that question as notice. I am certain that Fisheries Minister Loyola Hearn will have a cogent and intelligent answer to that question.

[Senator LeBreton]

[Translation]

VETERANS AFFAIRS

VIMY RIDGE CELEBRATIONS—FRENCH TRANSLATION ON COMMEMORATIVE PLAQUES

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. My father, Joseph-Arthur Lapointe, who was a member of the House of Commons from 1935 to 1945, was a major in the army and fought at Vimy and Courcellette. He was injured at the end of the war.

I received an e-mail at home from a Mr. Fortin in Montreal about the famous panels. One panel was removed, which was a slight improvement, but I do not know whether the text on the panel was replaced with appropriate text. If memory serves, the texts had been written by young students in England.

In my opinion, it would have made more sense to ask French students to write the text. A mistake was made and apologies were offered, which is fine. But will there be a follow-up at the Department of Veterans Affairs? Those who are responsible should be reprimanded. Will they be punished or not?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank the honourable senator for that question. As I said in response to the question from Senator Tardif, it was an unfortunate set of circumstances.

Senator Corbin: That is not an excuse. It will not do.

Senator LeBreton: I am not certain who was responsible. I believe the Minister of Veterans Affairs expressed apologies on behalf of the government. I do not know if some person is personally responsible and whether that person will be reprimanded. As I said to Senator Tardif, Minister Thompson felt badly about the discrepancy.

I will pass on the honourable senator's concerns to Minister Thompson, and his suggestion that if someone specifically in the Department of Veterans Affairs is responsible, whether a reprimand would be appropriate. Everyone makes mistakes. However, I know this is a serious mistake, and I will pass on the honourable senator's suggestion to the minister.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. You indicated that this was a regrettable error and that the minister certainly regretted this blunder.

I agree with Senator Lapointe. This error must not pass without comment because it reflects an attitude. Certainly, there were no errors in the English-language panels, and every effort is made to ensure that there are never any errors in English.

The minister has offered excuses: there was a delay in the translation; it was done by amateurs. Nevertheless, the Official Languages Act clearly states that French is equal to English. And it certainly should not be rendered by volunteers or amateurs because it is vital to our country.

Just as soldiers in the First World War went to their deaths under orders from officers who spoke English, so were francophone Canadians in the Second World War ordered to their deaths by officers, some of them francophone, speaking English. Never again will a Canadian soldier die in the officer's language. If they must give their lives, soldiers will die in their own language.

The issue is not just the error. Do you not think that it reflects an attitude within this department that French is less important and less valuable than English?

• (1505)

[English]

Senator LeBreton: I hope that Canada in the year 2007 does not reflect that attitude. I do not think it does. I will ask for a definitive response from the Department of Veterans Affairs. The laws of the country are clear. It does not matter whether one is anglophone or francophone; we are respectful of each other's languages. I am certain, knowing that Minister Thompson comes from the only officially bilingual province in the whole country, New Brunswick, that he is one of the biggest proponents of everything being done properly in both official languages.

I will take Senator Dallaire's question as notice, and attempt to obtain clear, definitive answers to what went wrong and what steps are being taken, so this situation never happens again.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the following oral questions: a question raised by Senator Fraser on October 23, 2006, concerning the creation of workplace child care spaces in federal buildings; and a question raised by Senator Munson on February 7, 2007, concerning International Social Service Canada.

PUBLIC WORKS AND GOVERNMENT SERVICES

CREATION OF WORKPLACE CHILD CARE SPACES IN FEDERAL BUILDINGS

(Response to question raised by Hon. Joan Fraser on November 23, 2007)

It is Treasury Board policy to provide departments with the authority to establish workplace day care centres when it can be demonstrated that they are financially viable and self-supporting with a proven and sustained demand.

To date, 11 day care centres exist across Canada in 9 federal departments and agencies (5 centres in Ottawa and 6 in Regions). There are close to 560 children registered in federal day care centers. The total rent subsidy for these centers amounts to approximately \$1.3M/year.

FOREIGN AFFAIRS

INTERNATIONAL SOCIAL SERVICE
CANADA—BUDGET CUTS

(Response to question raised by Hon. Jim Munson on February 7, 2007)

International Social Service Canada (ISSC) is a non-profit agency committed to assisting children, individuals and families whose problems require inter-country cooperation and solutions. It is part of a global network called International Social Service (ISS) whose General Secretariat is located in Geneva.

The Consular Affairs Bureau of the Department of Foreign Affairs and International Trade has used the services of ISSC for over ten years to assist with consular cases which require professional expertise in social work. In support of these services, the Bureau has provided financial support to ISSC in the form of a fee-for-service contract (\$2000 per case) and an annual contribution of \$80,000.

Historically, the Bureau has referred an average of 50 cases per year to ISSC. In recent years, however, there has been a diminishing need for the services of ISSC in the resolution of consular cases. In 2004-2005, the Bureau referred only 21 cases to ISSC; in 2005-2006 the number decreased to 14. As of December 31, 2006, the Bureau had referred only 8 cases during the fiscal year. It is the Bureau's assessment that this trend is unlikely to change and that it is no longer possible to justify the current level of financial support to ISSC. The decision to discontinue the annual contribution effective March 31, 2007 was conveyed to ISSC in a letter of May 31, 2006 to their President, Don Ebert.

It is important to note that the mandate of the Consular Affairs Bureau is limited to cases involving assistance to Canadian citizens in difficulty abroad, and does not extend to non-Canadians nor to services in Canada. The Department, through the Consular Affairs Bureau and its overseas network of over 270 consular points of service, will continue to provide high quality consular services to Canadians abroad, including children. The Consular Affairs Bureau includes a unit which has expertise in managing consular cases involving children's issues, and which works closely with local social services.

ISSC previously received an annual grant averaging \$150,000 from then Human Resources Development Canada (HRDC). HRDC discontinued this funding in March 1994. ISSC currently receives funding in the form of grants and/or contracts from some provincial governments and undertakes some limited fund-raising activities.

THE LATE JOCELYNE COUTURE-NOWAK

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I invite you to rise and observe a minute of silence in memory of Ms. Jocelyne Couture-Nowak, a French language professor at the Virginia Tech university, who was killed during the terrible tragedy that unfolded there yesterday afternoon.

Honourable senators then stood in silent tribute.

• (1510)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw the attention of honourable senators to the presence in the gallery of our former colleague, the Honourable Douglas Roche, and representatives from various organisations active in the field of nuclear disarmament. They are guests of the Honourable Senator Romeo Dallaire.

On behalf of all honourable senators, welcome to the Senate of Canada.

ORDERS OF THE DAY

CANADA PENSION PLAN
OLD AGE SECURITY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Andreychuk, for the second reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

Hon. Jane Cordy: Honourable senators, it is a pleasure to speak today at second reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act. The changes proposed in the bill hopefully will allow easier access to benefits for some of Canada's most vulnerable people: seniors and the disabled.

In his speech, Senator Angus provided a brief background on Canada's retirement income system. I agree with his comments that Canada is a leader among other countries in offering a lifetime basic pension where the only requirement is residence in Canada. I also agree with the honourable senator that Canada's public pension is one of the most generous and stable public pension programs in the world.

Honourable senators know that former Prime Minister Lester Pearson and the Honourable Paul Martin Senior brought in the Canada Pension Plan to help seniors with lower incomes. We also know that former Prime Minister Chrétien and his government brought in full-funding provisions to ensure a secure public pension system.

As a member of then Prime Minister Jean Chrétien's task force on seniors in 2003-2004 and currently a member of the Special Senate Committee on Aging, I am concerned with issues dealing with Canada's senior population. Last month, the Special Senate Committee on Aging, under the leadership of Senator Carstairs, Chair of the Committee, and Senator Keon, Deputy Chair of the

Committee, released its first interim report entitled, *Embracing the Challenge of Aging*. The committee has set an ambitious and challenging task of examining and reporting upon the implications of an aging society in Canada.

A key factor in the health and well-being of Canada's senior and disabled population is financial security. Canada has made progress on the issue of seniors living in poverty. In 1980, Statistics Canada reported that 21 per cent of Canada's senior population was living in poverty, while in 2004 that number dropped to 5.6 per cent. Canada has gone effectively from being one of the worst countries in the Organisation for Economic Co-operation and Development to one of the best in the OECD in supporting its seniors. However, within the overall senior population, certain groups suffer more than others. Single seniors have a low income rate that is 10 times that of seniors living in families. Single senior women are almost twice as likely to have a low income as are single men. These issues of inequality must be addressed.

In Bill C-36, the requirement for seniors to reapply continually for the Guaranteed Income Supplement as their income situation changes would be eliminated. This step is positive. Through coordination with the Canada Revenue Agency, seniors will be able to apply once and their records will be kept up-to-date through their yearly tax return. This step effectively eliminates the issue of seniors who are eligible but do not reapply, or of seniors who believe that if they are not eligible for the GIS in one year, they will not be eligible for the GIS ever again. The limitation on this change in the bill, however, does not take into consideration those seniors who do not file a tax return. It is important that the government ensure that seniors are informed and that information is communicated to them in a variety of ways to ensure that they receive the benefits to which they are entitled.

According to some estimates, close to 320,000 eligible Canadians do not receive the GIS and associated spousal and widow's allowances. There are myriad reasons why seniors who are entitled to certain federal government financial benefits fail to receive them, such as health problems, mental or physical issues, literacy issues or, as in many cases, they are simply unaware of the available financial programs. I hope that government will take the initiative to work with community groups and seniors to tackle this problem.

With an aging population such as Canada's, the federal government's job is to make sound financial decisions and policies to ensure that the financial support will be in place for Canada's population as they move into retirement. Canadians must have confidence that their government is planning and looking out for their best interests. I am proud to say that during the 1990s, the then Chrétien government was able to implement policies that returned stability to the Canada Pension Plan and Old Age Security programs to ensure a reliable public pension system that will last for at least 75 years to come. Currently, the Canada Pension Plan stands at \$100 billion, which experts agree is on sound financial footing for the peak of the retiring baby boom generation.

I support the proposed amendments to allow easier access for long-time contributors to qualify for disability benefits under the Canada Pension Plan. Currently, those people who have 25-plus years of contributing to the CPP must have contributed to the plan in four of the last six years. Under the proposed changes,

the individual must contribute in three of the past six years. Any change that will allow easier access to financial assistance for the purpose of maintaining respectful living conditions for disabled Canadians is a positive change.

I also support the proposed amendments in Bill C-36, including those designed to modernize and streamline the delivery of the service, to provide clarification of the text for easier understanding and to allow information sharing for greater personal access to one's files. With the proposed amendments, individuals will be able to request a CPP statement of contributions and will be able to view their statement of CPP contributions online. Currently, the act allows for only one request per year. With this proposed change, interested Canadians will be able to track and monitor their CPP contributions better.

While many of the proposed amendments are administrative in nature, the increase in accessibility to CPP and OAS benefits are welcome changes for Canadian seniors and disabled Canadians. It is essential that we recognize the importance of income security for our seniors and for persons with disabilities. These changes have come about because of seniors' groups, Canadians who have requested changes, the recommendations during the CPP Triennial Review and the Auditor General's observations. The changes are a step forward.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

• (1520)

[Translation]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Pierrette Ringuette moved the third reading of Bill S-201, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), as amended.

The Hon. the Speaker pro tempore: Honourable senators, it was moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Carried.

Senator Ringuette: Honourable senators, for three years I have been speaking to you about the facts surrounding this bill. I would be very happy if this bill were passed at third reading on

the 25th anniversary of the Canadian Charter of Rights and Freedoms.

This bill will do away with mobility obstacles for Canadians who wish to obtain jobs in the public service.

I would like to quote a press release published on March 29 by Ms. Barrados, an excellent president, who understands the situation. In the press release she said:

[English]

"By using a national area of selection for more federal public service jobs, the PSC is playing an active role in providing greater access to talented Canadians from across the country," said Ms. Barrados. "In fact, prior to April 2006, only 19 per cent of jobs were open to the public. However, with this latest expansion of the national area of selection, this is expected to increase to 55 per cent.

Honourable senators, we still have a 45 per cent gap that this bill should eliminate. Therefore, I am happy to move third reading of this bill.

The Hon. the Speaker pro tempore: I apologize for rushing earlier. I did not see that Senator Ringuette wanted to speak. Is there any further debate?

Hon. Terry Stratton: I move adjournment of the debate.

Senator Tardif: No.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that further debate be adjourned until the next sitting of the Senate.

Hon. Anne C. Cools: Your Honour, I think that while you were putting the question, senators over here were on their feet, trying to be heard or trying to get your attention.

Senator Tkachuk: I did not see any.

Senator Cools: A senator was trying to say something. It is very hard to do so from that corner.

The Hon. the Speaker pro tempore: Honourable senators, I must explain to the house that, yes, I did not think that Senator Ringuette wanted to speak. She moved third reading, and the motion was adopted, but then she spoke. In speaking, she opened the debate again. I then had to accept Senator Stratton's motion to adjourn the debate.

Senator Stratton: That is correct.

Senator Ringuette: Continue to play your games. That is all right. Canadians are listening.

The Hon. the Speaker pro tempore: I will put the motion again. It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the motion to adjourn will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I am afraid the "nays" have it.

Senator Ringuette: Call a vote.

Senator Stratton: Call in the senators; a one-hour bell.

And two honourable senators having risen:

Senator Stratton: After a senator has spoken, we should at least be given the privilege of responding. That is the way things are conducted in this chamber. This bill has been sitting on the Order Paper long enough. Senator Ringuette spoke and I should have the right to respond. If the other side does not want to do that, then we will have a one-hour bell.

The Hon. the Speaker pro tempore: The question has been put — and the nays have it.

Senator Cools: In passing, I wish to say that there can be debate and exchanges and disagreement, but it is extremely improper for a senator to threaten other senators using the word "if." That is very undesirable and in very poor taste.

The Hon. the Speaker pro tempore: Do you want a vote on the motion to adjourn? Two senators rose.

Senator Corbin: On division.

Senator Tkachuk: On division.

Senator Ringuette: Your Honour, I would like to clarify the situation. I have been working on this file since 1993. I have been working on this file in this chamber for the last three years. After my colleagues agreed to third reading of the bill, I stood up to thank them. I thought that was the proper thing to do because they understand the issue. That is what happened. I did not make a speech. I stood up to thank my colleagues, especially because it is the twenty-fifth anniversary of the Charter of Rights and Freedoms.

With regard to process, I think that there is a review to be done.

Senator Cools: Point of order: Your Honour, it is very distracting when you are having a conversation with someone when senators are trying to get your attention. I find it very distracting. Perhaps the person who is distracting you in this way could cease and desist.

The Hon. the Speaker pro tempore: I wish to thank the Honourable Senator Cools. I should like to apologize to the chamber for having gone too fast in calling third reading. Senator

Ringuette was not standing and wishing to speak on third reading, which we often do when third reading is called. I asked if there was further debate and recognized Senator Stratton, who moved adjournment of the debate. We conducted a voice voted. I called for the “yeas” and the “nays,” and the nays said that no, they did not want to adjourn the debate. I then saw two senators standing, but I do not see them standing now.

Senator Comeau: We will stand again if need be.

The Hon. the Speaker *pro tempore*: I will again put the question to adjourn debate.

It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

An Hon. Senator: On division.

Senator Stratton: On division.

On motion of Senator Stratton, debate adjourned, on division.

• (1530)

[Translation]

DIVORCE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved the second reading of Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

He said: Honourable senators, Bill C-252 seeks to amend the Divorce Act. It enables the court to take into consideration the terminal illness or critical condition of the divorced parent when making a variation order providing right of access to the child before death.

Unfortunately, divorce is a reality for many families these days. Statistics indicate that, in recent years, there were more than 70,000 divorces in Canada, representing the breakdown of 38 per cent of marriages in 2003. For that particular year, the vast majority of dependents named in a custody order were 18 years old and under.

[English]

While all relations between husband and wife might be severed, the ones between parents and child usually endure. For most, there is no stronger bond and no relation more central. Both provincial legislation and the Divorce Act govern issues of custody and access of parents to their children following a divorce. Section 16 of the act deals with making an original order in respect of custody or access.

Subsection 16(8) directs the court to take into consideration “only the best interests of the child of the marriage” in making such an order. As long as it is consistent with that key requirement, subsection 16(10) also obliges the court to give effect to the principle that a child of the marriage should have maximum contact with each spouse.

What happens if, after an order for custody and access is given, one of the parents falls seriously ill or is hurt to the point that his or her condition is terminal or critical? Under section 17 of the act, a parent may seek a variation in the existing order to change the custody or access arrangement. Subsection 5 says — and I quote:

Before the court makes a variation order in respect of a custody order, the court shall satisfy itself that there has been a change in the condition, means, needs or other circumstances of the child of the marriage occurring since the making of the custody order or the last variation order made in respect of that order, as the case may be, and, in making the variation order, the court shall take into consideration only the best interests of the child as determined by reference to that change.

[Translation]

By adding subsection 17(5.1), Bill C-252 allows a parent to establish the existence of an important change in the child's circumstances, the first criterion to be met in order for a court to consider making a variation order. The terminal illness or critical condition of a parent will be presumed to be an important change in the child's circumstances.

Although a court is free to consider the terminal illness or critical condition as a significant change in the child's circumstances, jurisprudence has not made this an established legal principle. There are no guarantees that a parent will meet this basic condition for a judge to even consider changing a custody order.

Bill C-252 will allow for that. By eliminating this shortcoming in the Divorce Act, the sponsor of the bill in the other place, Rick Casson, the member for Lethbridge, believes that this amendment will help families who are going through one of the most difficult situations we can imagine.

[English]

The addition of new subsection 17(5.1) will not take away the court's discretion to determine what is in the best interests of the child, which is a separate inquiry made once a material change in the circumstances of the child has been found. It will not require a judge to grant access on the basis of a terminal illness or critical condition.

Honourable senators, divorce can be stressful, and in each case is different. Not every parent may be fit to have custody of or access to his or her child. This bill will not enable that. What the proposed legislation will do is ensure that the courts consider terminal illness or critical condition of a parent as a material change in the circumstances of the child for the purposes of making a variation order. A judge will be required to consider it as one of the factors in making his or her determination of what is in the best interests of the child.

Honourable senators, Bill C-252 passed third reading in the other place on March 21 by a standing vote of 302 to 0. The friendly and considered debate at the other place by members on all sides resulted in several amendments that improved the bill now currently before us.

In the other place, the bill's sponsor spoke about the story of one constituent, a young divorced mother who prompted him to action. In her last days after battling leukemia, her children were taken away from her custody.

It is true that in many cases there are two sides to the story. However, Bill C-252 is not about one case; it speaks to the larger principle. Few acts in life have as much importance as an opportunity to say a final goodbye to a loved one, especially a goodbye between parents and children. For the child, it will help better prepare for the imminent loss and assist in getting through the painful grieving process. For the parent, it will bring enormous comfort for possibly the last time to see and touch his or her child, and to say what needs to be said before passing on, which in difficult relationships may also help the child move on with his or her life.

When faced with a final separation, the time a child spends with his or her parent becomes more than an ordinary visit. It becomes a lifetime of enjoyment compressed into a few precious moments.

[Translation]

Honourable senators, Bill C-252 probably will not affect a large number of individuals. Many custody and access agreements are reached amicably by parents and the type of situation noted earlier probably does not occur very often. This amendment to the Divorce Act can make a tremendous difference for parents and children in such traumatic, life-altering circumstances.

I am asking you to support the second reading of this bill and to send it to committee for detailed study.

[English]

Hon. Anne C. Cools: Will the honourable senator entertain a question?

The Hon. the Speaker pro tempore: Senator Di Nino, will you accept a question?

Senator Di Nino: Yes.

Senator Cools: This is subject matter on which I have done a lot of work, as honourable senators know; I have case files in the thousands. I have not started to work on this bill yet, even though I do plan to speak to it.

• (1540)

According to the honourable senator, this bill essentially enables a judge to grant access for a parent who is terminally ill. Does the bill also apply to other family members who are terminally ill, such as grandparents or other siblings, or is it limited only to the parent? I have extensive case files on this subject.

[Senator Di Nino]

Senator Di Nino: It is important to state that the bill will not grant any right to the parent. It will ensure that the case judge considers this issue as one of the factors in deliberating on whether to grant access.

As to the second part of the question, as I read the bill, it is only for parents and children and not for other members of the family.

The Hon. the Speaker: Is there further debate?

Hon. Marilyn Trenholme Counsell: It was my intention to speak on this bill, but I notice that the honourable senator, after a most eloquent and moving speech, is referring it directly to committee. That is what I thought his words were.

Senator Di Nino: It may have been my pronunciation in my attempt to speak our other official language from time to time.

I am urging all honourable senators to support the bill and, at the appropriate time, send it to committee.

On motion of Senator Trenholme Counsell, debate adjourned.

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY OF CONTAINERIZED FREIGHT TRAFFIC—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Transport and Communications (*budget—study on the examination of containerized freight traffic handled by Canada's ports*), presented in the Senate on March 29, 2007.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY OF CANADIAN TELEVISION FUND—REPORT OF COMMITTEE ADOPTED

Consideration of the eighth report of the Standing Senate Committee on Transport and Communications, (*budget—study on the examination and report on the objectives, operation and governance of the Canadian television fund—power to hire staff*), presented in the Senate on March 29, 2007.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved adoption of the report.

Motion agreed to and report adopted.

[English]

STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK

INTERIM REPORT OF FISHERIES AND OCEANS COMMITTEE AND MOTION TO REQUEST GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Management of Atlantic Fish Stocks: Beyond the 200-Mile Limit*, tabled in the Senate on February 20, 2007.—(Honourable Senator Johnson)

Hon. Bill Rompkey: Honourable senators, I move:

That the sixth report of the Standing Senate Committee on Fisheries and Oceans, tabled in the Senate on February 20, 2007, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as minister responsible for responding to the report.

Honourable senators, fish stocks off our Atlantic coast face a continuing threat from foreign fishing. The question is how to control that fishing.

Canada's fisheries jurisdiction extends only 200 nautical miles offshore. Beyond that zone, vessels from Europe and elsewhere will fish in the high seas area that our fishermen know as the Nose and Tail of the Grand Banks. Many fish stocks straddle the 200-mile line. It was Pierre Trudeau who once pointed out to us, in his own inimitable way, that fish swim; therefore, overfishing outside the zone can also deplete stocks within our zone.

On those outer edges of the Grand Banks, the Northwest Atlantic Fisheries Organization, known as NAFO, is supposed to control fishing. Its members, including Canada, can vote on quotas and other conservation measures, but any member country of NAFO is free to object to those quotas and to set its own. Even when countries agree on paper and respect the rules, some of them cheat.

The NAFO regime has had woeful results for the fish and coastal communities that depend on them. Depletion is so bad that NAFO has placed most stocks under a fishing moratorium. Even then, some countries keep fishing them by exploiting loopholes in the rules or by just plain cheating.

This is widely known, and not just in Canada. The European Union recently issued a press release lamenting the law-breaking by their own vessels in their own waters. Do we expect their fishermen to behave any better far from home?

Vessels in the NAFO regulatory area have been obliged to carry observers. Charles Clover, the environment editor of the *Daily Telegraph* in London, looked at some of these reports. I quote from his book, *The End of the Line*, about overfishing:

Perhaps the most thought-provoking thing that reports show are the failures of the authorities in Portugal and Spain, and the apparent official tolerance of illegal fishing.

Three years ago, when the Honourable Loyola Hearn, now Minister of Fisheries and Oceans, was an opposition member in the House of Commons Standing Committee on Fisheries and Oceans, that committee recommended that Canada extend what it called "custodial management" over the Nose and Tail of the Grand Banks. Deciphered, that meant unilaterally taking control. In 2005, an advisory panel to the minister and to the government of the day said that custodial management would be impractical, but it declared Canada should strive to replace NAFO with something better.

We started a study last summer with NAFO's failures clearly in mind. Then, in September, after years of Canadian pressure, NAFO members agreed to certain reforms. Minister Hearn had by now abandoned talk of custodial management. I will note that he praised the proposed reforms as a Canadian triumph that would, as he said, "give teeth" to NAFO.

• (1550)

Our committee wanted to take a closer look. Over several months we heard from many expert witnesses here and in Newfoundland and Labrador. They included fishing industry members, environmentalists, academics, and provincial and federal ministers. We also heard from public servants, including former senior officials and international experts of the Department of Fisheries and Oceans itself.

Honourable senators, they told us that some of the NAFO's supposed new teeth were in fact false teeth that would never bite. The European Union, the most troublesome fishing entity, had held the pen in drafting the new proposals, and it appeared that Canada had overlooked significant defects.

Let me mention some of the most alarming defects that we found. The voting rules would change from a simple majority to a two-thirds majority, and Canada, therefore, would have a harder job winning enough allies to pass conservation rules. As well, the new NAFO convention could open the way for the organization to interfere with Canada's own fishery management inside the 200-mile zone.

The deputy chair of our committee, Senator Johnson, and I wrote the minister in December pointing out these problems and suggesting that the government employ outside experts, including some of our witnesses, to advise on NAFO. Meanwhile, we tabled our full report on February 20, pointing out the problems I have already mentioned and many more.

Honourable senators, we were in for two surprises. The first was that within 24 hours of our report the minister released a statement dismissing it. He did not address its substance but said that NAFO was now improving. This was interesting since he was one of those who had earlier proposed doing away with NAFO. Then, late in March, Senator Johnson and I finally received a response to a letter we had sent in December. Here is the second surprise: Minister Hearn now seemed to agree with the constructive criticisms we had made. In his letter, he said:

I certainly take your point about the value of consulting with ex-senior DFO officials and others in reviewing proposed NAFO reforms.

The minister went on to say that the department had now called on such experts. He said that Canada would address the issue of the two-thirds voting rule and the other problems raised in our letter.

Honourable senators, we may rejoice that those in the other place are also capable, on occasion, of sober second thought. I commend the minister for recognizing in the end that the matters noted in our letter need attention. However, that still leaves other problems detailed in our full report, which is before us today.

The NAFO reforms promised to make it easier for inspection officers to redirect offending vessels to port. They promised a dispute settlement procedure to prevent countries, in case of disagreement, from simply setting their own rules. In both cases we found serious loopholes.

As well, the proposed reforms would cut the number of observers aboard fishing vessels, even though in previous years observers were seen as essential for enforcement, and the fisheries controlled by NAFO badly need a scientific review and a rebuilding plan.

We made recommendations on these and other matters, including areas of the high seas around the world that have no regulation at all. For such areas, Canada should join, we said, responsible fishing nations like Norway and New Zealand in supporting a temporary moratorium on bottom trawling to reduce damage until at least some conservation and environmental rules come into place.

As for the outer Grand Banks, our report did not put forward radical measures that experts agree will not work. Without ruling out custodial management forever, reforming NAFO does seem, at the moment, the most workable way ahead. Therefore, we recommend practical measure that would indeed help give NAFO some bite.

However, given the organization's woeful record, common sense requires watchfulness at every step, and the proposed reforms to the Northwest Atlantic Fisheries Organization of last September badly needed the extra scrutiny our committee gave them.

The good news is that the government may be starting to recognize the bad news. Judging by the minister's eventual response to our earlier letter, they now realize that the NAFO proposals have faults that need fixing. We ask that the government extend the same consideration it gave our letter to the full body of the report and bear it in mind during NAFO negotiations later this month. We offer support for strong and sensible measures that we continue to hope could one day restore the legendary abundance of the Grand Banks.

In short, honourable senators, we have found some difficulties in the text of the proposed reforms to NAFO. We have pointed out those weaknesses and have suggested ways of fixing them. The onus is now on the government and the other members of NAFO to ensure that these recommendations are put in place at the next meeting. We as a committee will be monitoring. We have asked to see the text when it is revised, and we will continue to monitor this to ensure that NAFO is reformed in a way that is to the benefit of Canada and particularly to Canadian fishermen.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 3:

The Senate proceeded to consideration of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Committee Budgets—Legislation), presented in the Senate on March 29, 2007.—(*Honourable Senator Furey*)

Hon. Wilfred P. Moore moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[*Translation*]

CONSTITUTION ACT, 1867

REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Campbell, that the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate), be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words "British Columbia be made a separate division represented by 12 Senators;" with the following:

"British Columbia be made a separate division represented by 24 Senators;"

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words “consist of One hundred and seventeen Members” with the following:

“consist of One hundred and twenty-nine Members”;

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words “British Columbia by Twelve Senators;” with the following:

“British Columbia by Twenty-four Senators;”;

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words “or, in the case of British Columbia, Twelve Senators;” and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words “exceed One hundred and twenty-seven.” with the following:

“exceed One hundred and thirty-nine.”—(*Honourable Senator Ringuette*)

Hon. Pierrette Ringuette: Honourable senators, today I would like to discuss the motion to amend the Constitution of Canada with respect to the regional representation of Western Canada in the Senate, now known as the Murray-Austin motion.

Our colleagues presented a motion for a constitutional amendment that would approve additional representation of Western Canada in the Senate. As you know, this amendment would increase the number of senators by 12, distributed as follows: six more senators for British Columbia, four more for Alberta, one more for Saskatchewan and one more for Manitoba.

If the Senate passes the motion, it will be using its right to propose a constitutional amendment, thereby triggering the official constitutional amendment process, which begins with sending messages to the House of Commons and all provincial legislatures.

• (1600)

As set out in the Constitution Act, all of those parties have three years to respond to the proposed amendment. If they do not, the motion is ruled invalid and inoperative.

Honourable senators, for this resolution to come into effect, it needs the support of at least seven provinces representing more than 50 per cent of the population of Canada, as well as a majority in the House of Commons.

Nevertheless, I am convinced that this is a piecemeal measure that raises more serious questions about the Senate's role and powers. As recently as 1980, the Supreme Court of Canada upheld the immutability of the pact signed by the founding provinces at the time of Confederation. As stated in the *Upper House Reference* [1980] S.C.R. 54,

... alterations to the Senate that would affect “the fundamental features, or essential characteristics given to the Senate as a means of ensuring regional and provincial

representation in the federal legislative process” could not be made by Parliament alone.

The character of the Senate was determined by the British Parliament in response to the proposals submitted by the three provinces in order to meet the requirement of the proposed federal system.

It was that Senate created by the Act, to which a legislative role was given by s. 91. In our opinion, its fundamental character cannot be altered by unilateral action by the Parliament of Canada and s. 91(1) does not give that power.

Honourable senators, the motion before us does not seek to alter the basic principle that the four divisions are equally represented in the Senate, because that can only be done by amending the Constitution under section 38. However, adopting this motion would essentially mean that the Senate prefers and supports the idea of changing the number of representatives of each of the four divisions in the Senate so that the numbers are unequal.

Honourable senators, section 22 of Canada's Constitution provides that:

In relation to the Constitution of the Senate Canada shall be deemed to consist of *Four Divisions*:

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;
4. The Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta;

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta; Newfoundland shall be entitled to be represented in the Senate by six members; the Yukon Territory and the Northwest Territories shall be entitled to be represented in the Senate by one member each.

[*English*]

Honourable senators, why should we wish at this point to alter the regional representation characterizing the Senate? Why is it now desirable to amend the Constitution so that the four divisions of Canada are represented unequally in the Senate? Are we doing this simply to appease reformers, who have been making incoherent requests from all sides to modify this chamber?

I fully agree with Senator Hubley's statement in this chamber that parliamentary reform should never be approached in a piecemeal matter without knowing beforehand the overall shape

and substance of the newly reformed institutions. I strongly believe that it is naive to think we can simply modify important aspects of this chamber without affecting its whole function and purpose.

The underlying purpose of this motion is the desire to recognize the existence of two regions in the West in response to the population growth, especially in Alberta and British Columbia. Concretely, this amendment would increase the number of senators by 12. Compared with Quebec and Ontario, B.C. and Alberta continue to gain more representation in the other place. The argument has been made that the current populations and economic weight of Alberta and B.C. call for representation beyond that of provinces in Atlantic Canada.

According to the founders of our great country, the upper house of Parliament "is to be confided the protection of sectional interests;" therefore it is that the four great divisions are equally represented for the purpose of defending such interests against the combination of majorities in the House of Commons.

Lower Canada has agreed to give us representation by population in the lower house on the express condition that they shall have equality in the upper house. On no other condition could we have advanced the Confederation negotiations. The protection for those interests, such as equality in the upper chamber, has been enshrined in the fundamental law of and for the land of Canada. It is our contract. If one wants a successful contract negotiation, any amendments must be a win-win proposal for all parties. This proposal changes the fundamental equality representation: One region gains while the three other regions will lose relative representation.

In the Senate, we have enjoyed the concepts of representation by region that evolved from historical political compromises. In comparison, the U.S. Constitution has built into it a series of compromises between rep-by-pop and rep-by-area, whereas there are two senators per state, at least one representative per state and representation in the Electoral College. Nevertheless, as Senator Mercer has previously said in this chamber on the same issue:

... any time we talk about Senate Reform and changing how this place is configured, we get into the discussion of representation by population. That is not what this place is about.

When addressing this issue, Senator Murray and Senator Austin based most of their arguments on the principles of fairness and equity. These same principles underly the representation-by-population debates that occur every 10 years in the other place as per the Election Act. These arguments are in direct contradiction with the reason we have an upper house in this great federation, which is to represent and protect the regions and the minorities against the will of the majority. The Senate was established to balance representation and to ensure a degree of equality and inclusiveness for the less populated provinces against the tyranny of the majority.

We have not addressed how this rebalancing will affect the functioning of the Senate. How will it affect the traditional role of representation of the regions? How will rebalancing affect the Senate's relationship with the House of Commons? Should our roles and our authority be redefined constitutionally?

Honourable senators, I strongly believe that it is not possible to change the composition, the character and the functions of the Senate without also addressing all other consequential questions. Prior to the alteration of the historical and constitutional concept of regional representation, should we not anticipate all other consequences? For one to think that modifying the regional representation of the Senate will have no consequences, one must ask: Why is it being sought in the first place?

Let us be clear: Regional voting power is important.

• (1610)

These basic questions need to be addressed, honourable senators, before the regional balance of representation is altered.

Honourable senators, I will not support this motion, for its adoption would break the deal; the equality among those four divisions. We cannot simply propose and approve breaking the deal.

While the Meech Lake accord attempted to reconcile the cultural and linguistic aspirations of Quebec with the rest of Canada and to provide recognition for our Aboriginal people, the Charlottetown accord was a pack of constitutional amendments for Quebec's recognition and for a Triple-E Senate that was requested by the Western provinces; that is, there were supposed to be six elected senators per province. It was proposed by the Canadian federal and provincial governments in 1992, and submitted to a public referendum on October of that year.

Senator Cools: I voted against it, with pleasure!

Senator Ringuette: Although most of us worked very hard toward its approval it was defeated, and it was defeated strongly by the four Western provinces. They defeated the Triple-E Senate as proposed in the Charlottetown accord. Manitoba defeated the Charlottetown accord with 61.6 per cent against; Saskatchewan, 55.3 per cent; Alberta, 60.2 per cent; and B.C., 63.8 per cent.

Senator St. Germain: Never been wrong.

Senator Ringuette: The four Western provinces voted "no" to a Triple-E Senate.

The politicians, to this day, argue that it is the only way the West will feel that they are "in". If the Triple-E Senate was refuted by such numbers in the West 15 years ago, why are some western politicians still arguing for it today?

[Translation]

Personally, I believe that, in a file of such constitutional importance, we, as senators, have an obligation to express our point of view and to contribute to the national constitutional debate that must be held if the Senate is to be modernized. History will acknowledge that we rose to our constitutional obligation, and not that we simply rose up against any initiatives towards reform. It is the responsibility of this Chamber to respect its constitutional *raison d'être*, to the best of its ability, in the interest of the regions and minorities. The proposed amendments to regional representation will change the fundamental nature and the very purpose of the Senate.

Lastly, the intention of the proposed Murray-Austin motion seems to be to respect a number of precedents set in the amendments brought forward over the years to the number and distribution of the seats of the Senate. It is important to note, however, that most of these changes were to increase the number of Senators when a new province or territory joined the federation.

[English]

It is important to acknowledge that every time an additional seat was created in this place it was because of the addition of a territory to this land.

May I have five more minutes?

Senator Cools: Agreed.

Senator Ringuette: I have only two minutes.

Senator Comeau: Maximum five.

Senator St. Germain: If you will quit picking on B.C.

Senator Di Nino: We want to hear more, more, more!

Senator Ringuette: Thank you.

[Translation]

It began by adding two senators for Manitoba in 1870, three senators for British Columbia in 1871 and four senators for Prince Edward Island in 1873. A province or territory that joins the federation constitutes a new political entity, but an increase in the population of a given region is a different matter.

The primary role of the Senate is to protect the Constitution, the rights of minorities and Canada's regions. It would be shirking the duties of this institution to try to respond to these reform efforts on a case-by-case basis.

What is needed is a comprehensive examination of the role, the powers and the composition of the Senate. Only then will we be on the road towards a modern Canadian Senate.

[English]

Hon. David Tkachuk: I should like to thank Senator Ringuette for that, and remind the honourable senator that in the Charlottetown accord the Canadian people also defeated self-government rights for the Aboriginal people of Canada. That does not mean that we are not moving forward in that particular policy direction.

I put the amendment forward because Prime Minister Chrétien himself recognized British Columbia as a distinct region; because of that, I thought it unfair that they be treated any differently than any other region in the country. While the Maritime Provinces were intimately involved in securing their 24 seats, the rest of us in the West were satisfied with what we got when we entered Confederation.

This is an amendment on my part to see that the wishes of the honourable senator's Prime Minister are fully implemented in the Constitution. Now, only lip service is being paid to British Columbia, "Yes, you are a region but you are not really a region." That is usually the story that we get out West. However, we are a

region. The Prairies and British Columbia see themselves as a region. They should have 24 senators, just like the Maritimes do.

It seems rather strange to me that in Atlantic Canada we have 30 senators, and in the West, from Manitoba to British Columbia, we have 24. This does not seem to me to make sense and, hence, the amendment.

Therefore, I ask that all honourable senators support the amendment. I am not sure if my speaking here closes debate on my amendment.

Senator Ringuette: I was waiting for a question.

Senator Cools: Put a question to the honourable senator.

Senator Tkachuk: I never asked a question. I am not interested in asking a question. I got up to speak on my motion, and I think that my speaking on my motion closes the debate.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I would like to move the adjournment of the debate.

The Hon. the Speaker: First, I will ask the table how much time is left in Senator Ringuette's time.

Senator Cools: There is still five minutes. He is safe.

The Hon. the Speaker: Therefore, the chair thought that —

Senator Cools: Treat it as a question.

The Hon. the Speaker: — Senator Tkachuk was making a comment or asking a question.

Senator Cools: Yes, and I have a question, too.

The Hon. the Speaker: Order! He has stated his intention to speak. If he was speaking I must advise the chamber that if Senator Tkachuk speaks it would have the effect of closing the debate.

We are on the motion in amendment and there is no right of reply as on a main motion.

Senator Ringuette: Can I answer?

The Hon. the Speaker: The motion that was in order, I recognize Senator Tardif who has moved the adjournment of the debate.

On motion of Senator Tardif, debate adjourned.

• (1620)

STUDY ON NATIONAL SECURITY POLICY

AMENDED REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report (interim), as amended, of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign*

Aid and Military Strength to Deal with Massive Change, tabled in the Senate on November 21, 2006.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, because of the unusual nature of tomorrow's proceedings and because of a motion made today I may not be in this place to speak tomorrow. In light of this item being on its fourteenth day, I would like to adjourn this motion in my name for the remainder of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—POINT OF ORDER— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;

4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;
5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;

14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.
—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I rise to speak to Senator Grafstein's motion, which is a motion asking the Senate to refer a resolution of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, a resolution on combatting anti-Semitism and other forms of intolerance, to the Standing Senate Committee on Human Rights. This is an interesting motion, and I shall see if I can develop something here.

Honourable senators, like many, I deplore racism in all its forms and expressions. As honourable senators know, I was born in the British Caribbean, in Barbados, the home dating back to the 1600s of one of the oldest Jewish communities in the new world. In fact, they were Sephardic Jews in a thriving community in Barbados.

Jewish arrival in the Caribbean predates Jewish arrival in North America, both the United States and Canada.

The old Jewish cemetery in Barbados contains headstones whose barely readable dates are from the 1650s. I am familiar with Jewish history. In fact, I myself have Jewish blood. For many different reasons, I understand racism, prejudice and persecution.

Honourable senators, soon after I arrived in Canada, while shopping with my mother one day — I was 13 years old — in a clothing store, I observed that some of the personnel had serial numbers tattooed on their arms. I questioned these numbers, and my mother quickly explained to me the significance of those tattooed numbers and their connection to the Holocaust. I was horrified.

Honourable senators, that encounter was my first personal encounter with those who had suffered from savagery and barbarism. For a long time thereafter, I pondered the imponderable, the planned extermination of Jewish millions.

Newly arrived in Canada and 13 years old, I quickly learned that expressions such as "he Jewed them down" and "the nigger in the wood pile" were part of the vernacular of many Canadians. I learned to understand racism and ethnicity.

This statement may sound strange coming from the British Caribbean, but in the British Caribbean we were basically Black, White and Brown. There were not too many other ethnic groups. There were a few Jews and so on. I learned to understand racism on coming to Canada.

Honourable senators, Senator Segal had interested me in this motion. He included in his speech a treatment of the Semitic peoples who, though no longer known to many, include not only the varied Jewish peoples but also the varied Arab peoples and still others.

In fact, the Jewish people and the Arab people share a common ancestry, being Abraham who was the father of Ishmael, the progenitor of the Arab peoples, and who also was the father of Isaac, the progenitor of the Jewish people.

Further, Semitic languages include Arabic, Hebrew, Syrian and Aramaic. As honourable senators will know, Aramaic was the language that Jesus Christ spoke.

Like many Canadians, I am aware of the racist comments that I frequently hear about the Arab peoples. In recent years, the term "terrorist" seems to be wedded to the words "Arab," "Islam" and "Muslim." The expressions "Arab terrorists" and "Islamic terrorists" abound in the language and in the idiom today.

Many Arabic and Islamic Canadians tell me of their pain and of the burden they carry of prejudice and racism against them, and their efforts to overcome it and to be good Canadians.

Honourable senators, Senator Segal in his speech here on February 28, 2007, said:

... although anti-Semitism is more often than not perceived as hatred and bigotry toward Jews per se, we must not lose sight of the broader definition. The term also refers, of course, to Arabs. In our current global social climate, we must not allow one bigotry to be replaced by another. Combatting anti-Semitism must include combatting hatred and bigotry toward Arabs as well.

Honourable senators, I know something of the history of the Jewish people and of the Arab people. I also know something of the history of the Holy Land, particularly that portion of greater Syria called Palestine. In the days of the Romans, I think it was called Syria Palestina. I know something of the creation of Israel and something of the plight of the dispossessed Palestinian refugees.

Honourable senators, I also know that the world wants an end to the bloodshed and carnage in the Middle East. It wants peace in the region that gave us the three great religions of the Book; Judaism, Christianity and Islam.

As a Christian, I did much reflection on this subject last week with Easter's mighty symbols of the crucified Christ as I listened to magnificent choruses singing Handel's Messiah which, as we know, drew on the Old Testament book, the Book of Isaiah. The crucified Christ, the risen Christ, and their Easter messages of redemption, forgiveness and love are poignant, powerful and, I would dare say, necessary.

Honourable senators, I believed that this motion asked the Standing Senate Committee on Human Rights to study anti-Semitism and racism. However, in preparing my remarks, I discovered that this motion was not merely to study anti-Semitism and racism. Rather, it was a motion to consider a resolution from a foreign assembly, the Parliamentary Assembly of the OSCE.

Consequently, honourable senators, I want to raise a point of order. Before I do so, I also want to point out that this motion is defective on a few other points as well.

I am not sure of the status of the motion as it originally asked the committee to complete its final report by March 31, 2007. That part of the motion may be spent, but that is not the problem if something new can be introduced.

The other deficiency is contained in the motion, which states:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following resolution on Combatting Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006

— and it continues.

• (1630)

I think that is a mistake, honourable senators, because later on it refers to the OSCE Parliamentary Assembly, but the text of the motion is what I just read. In other words, that is the order of reference. There is a defect in there. I am not sufficiently well instructed on these international bodies, but where the body of the motion refers to “parliamentary association,” perhaps it means “parliamentary assembly.” In the middle of the page, the motion reads:

Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly

The word that seems to recur throughout is “assembly.” Perhaps one could look at that.

My reasons for asking His Honour to rule that this motion is out of order are a bit more than those two other points. They are relatively small points.

I want to ask His Honour to rule this motion out of order because it purports to ask a committee of this assembly, the Senate, to judge a proceeding of another assembly, which is prohibited by long-standing parliamentary practice. This prohibition is based on the notion that parliaments and assemblies have exclusive cognizance of their own proceedings. This is a distinct feature of the law of Parliament and one that has been accorded full recognition by parliamentary jurisprudence and by case law in the courts.

Honourable senators, this principle is called the sovereignty of Parliament or the independence of the Houses, and it is guarded very jealously. Conversely, the Senate or the House of Commons accords other assemblies the same deference, the deference of their exclusive cognizance of their own proceedings. Again, this is the notion of parliamentary sovereignty, which also includes the notion that one assembly or its members should not be rendered

supplicants to another assembly, and that neither should be compelled as witnesses in another assembly.

I would ask honourable senators to consider how the Senate would react if we were to discover that our proceedings were being thrust into other assemblies for decision and for judgment.

Honourable senators, I repeat, the principle of parliamentary sovereignty and independence is such that this assembly, the Senate, or any other assembly, ought not to have its judgments questioned in another assembly, and conversely, another assembly's judgment should not be questioned in the Senate.

I do not know about the other assemblies in Europe, but for this Senate, this principle was laid down in the Bill of Rights in 1689. It is article 9 of the Bill of Rights that states:

. . . the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

We must understand what “questioned” means. It means to debate and to consider. We must understand that I am not on the substance or the merits or intentions of the proposals.

Honourable senators, sound constitutional relations both inside and outside of Canada prohibit the submission of one assembly's judgment to the judgment of another assembly. Any and all assemblies are constitutionally and perfectly free to consider the same subject matter and even to arrive at the same conclusion. In short, any independent assembly is free to form its own judgment on the same issues. However, that judgment on the subject issues must be its own independent judgment and must not be a judgment on the other assembly's judgment.

Senator Grafstein's motion seeks to ask the Senate to make a judgment on the judgment of the OSCE Parliamentary Assembly, which is this bundle of resolutions. It seems to be more than one.

Honourable senators, it is in order and sometimes desirable that other assemblies' judgements, conclusions and debates may inform Senate debates and judgments. However, the Senate's proceedings, even though on the same subject, must be independent of the OSCE's proceedings. The Senate must proceed by way of its own resolution, asking the Senate to ask its committees to consider the subject matter of anti-Semitism but not in the way that Senator Grafstein has proposed, to consider the resolutions of the OSCE Parliamentary Assembly.

Honourable senators, this brings me to another related procedural point. Senator Grafstein's motion is also out of order because it asks the Senate to refer the OSCE proceeding to a Senate committee. The Senate cannot do this because the Senate has never received the resolution. The Senate cannot refer to a committee something it has not received.

Honourable senators, as the Senate receives bills, petitions, inquiries and other reports and papers, it can refer those to committees, but it has to have it in its cognizance. In fact, careful examination of the Senate's rules and procedures quickly reveal that the Senate has no procedural rubric to receive proceedings of other assemblies other than from the House of Commons, which the Senate receives by message. The Senate's rules and procedures, based on section 18 of the BNA Act, do not

anticipate that the Senate would receive proceedings from foreign assemblies. Further, foreign assemblies are an additional matter of foreign affairs, which goes back to some of the questions I raised earlier, in another debate.

Honourable senators, this is a very important subject matter. We should follow the proper procedure because the subject matter of anti-Semitism is so timely.

I recently read an article by Shira Herzog in *The Globe and Mail* newspaper of April 11, 2007. The article was headlined, "Peace beckons, but will Israel's leader respond?" Most Europeans, Israelis, Arab peoples and Canadians, as well as a growing number of Americans, want peace.

Honourable senators, anti-Semitism was an ugly invention of Europe, complete with its pogroms, atrocities, ghettos and attacks on the Jewish people. I have read of the pogroms of the 1890s. Many people do not say it, but European Semitism was also based on wicked envy and jealousy, as many envied — we know the difference between the two words, and I hope that I am not shocking anyone — the Jewish people for their industry, wealth, intelligence and scholarship. Whatever Canada's sins have been, they have not been of the European variety. Maybe Europe has some expiation to do for its sins, but Canadian sins have not been of that variety.

Honourable senators, I remember it was just before I went to McGill University that the quotas on Jewish students were lifted. I have many friends who studied medicine who had to go off to Europe. I know other Jewish lawyers who could not get into McGill who studied in French at the University of Montreal.

• (1640)

Honourable senators, Senator Grafstein's motion is timely even though defective. I want to encourage him to restate his motion in the proper procedural way. It is timely, though defective, because a serious and thorough Senate study on anti-Semitism would also examine racism toward the Arab people and also would examine the growing phenomenon of the use of the term anti-Semitism to intimidate or to silence anyone who would question Israeli policies.

There are those who wish now to make questioning anti-Israeli policies anti-Semitic. There is a growing body of scholarship and literature on the wrongful and politically motivated use of accusations of anti-Semitism against those who offer criticism of Israeli policies or of Zionism in a way that inflates or expands the definition of anti-Semitism to mean any criticism of Israeli policy toward the Palestinians, Israeli policy in the Occupied Territories, or the Palestinian refugees or in the question of a country for the Palestinians.

Honourable senators, the problems in the Middle East revolve around the question of settling the condition and the status of the Palestinian refugees as well as around the question of a country for those people.

I was very touched by Senator Segal's intervention — in actual fact, if truth be told, I had not noticed this motion until he called it to my attention. As I remember, I listened to him very carefully.

Honourable senators, in my view, Senator Grafstein's motion is out of order for the reasons that I have stated. There are many

strange parliamentary creatures, aliens, moving about between these motions. I questioned one just two weeks ago — that is, the phenomenon of the Senate being a supplicant to a foreign sovereign. There are so many of them. When one of them catches my attention in this parliamentary way, I feel I have an obligation to say something and to see if we can correct the phenomenon before it becomes a bad practice. Bad practices can often mistakenly be treated as precedents.

Honourable senators, I should like to encourage the Speaker, Senator Kinsella, to observe and to rule on the defectiveness of this motion. I should also like to thank Senator Grafstein for his good intentions in bringing forth the subject matter and to encourage him to bring a motion that is scripted to respect the independence of this chamber as well as the independence of other assemblies. Such a renewed motion would in no way alter the substance of the issue or the substantive issues that the motion was seeking to have us study.

Honourable senators, thank you for your attention in this matter. Our ancestors handed to us a body of principles and a body of rules to conduct our business. When I was a young girl, my schoolmistresses always said to me that the magnificence and majesty of the British system rests in the rules. It is in the rules — not so often in the conclusions. It is in the rules, whether it is a system of Parliament, a system of trial by jury or the system of rules of evidence where accusations have to be sustained and proven. Therefore, I should like to encourage senators to pay more attention, if possible, to the drafting and the scripting of some of these motions. At the same time, I look forward, depending on the outcome of the Speaker's ruling, to speaking more fully on the substantive issues of anti-Semitism. These are, however, important issues, and I must tell honourable senators how important the Semitic people in Canada and across the world view this debate.

Hon. Lowell Murray: Honourable senators, it may well be, as my friend suggests, that the majesty of the Westminster system is in the rules, but there has been a lot of *lèse-majesté* in the initiative that was taken this afternoon.

The honourable senator made a good speech on the motion, dividing it into two parts. First, she gave us a very interesting historical narrative, as always, since the honourable senator has a lot of experience and does so much research on these matters. Then, having given the first part of her speech, she drew a parenthesis and within that she argued that the motion was out of order for reasons that she cited. At that point, she closed the parenthesis and proceeded to conclude her speech, debating the motion that she had just argued was out of order.

I am glad I stayed around this afternoon because it was not only extraordinary, in my experience and observation, but unprecedented here. One of the matters I think Your Honour may want to take under advisement is whether it is open to a senator to do what she has just done. Surely, if the honourable senator has a point of order as to the receivability of a motion, then she should make that point and await the Speaker's ruling. At the very least, she should await a consensus by the Senate that the debate may proceed without prejudice to the point of order, or that the point of order may be considered without prejudice to continuing the debate for a while.

The second matter that I have been turning over in my mind, when Senator Cools raised the point of order, is whether a committee, such as the Human Rights Committee, really needs an order of reference to consider a matter such as is put forward in Senator Grafstein's motion.

I am aware that the mandate of that committee, like that of most other committees, states that the committee "to which may be referred, as the Senate may decide, bills, messages, petitions" et cetera, "relating to human rights generally." The question is whether a specific order of reference is needed.

There are only two standing committees that are explicitly authorized to do things of their own volition: one is the Rules Committee; the other is the Standing Committee on Internal Economy, Budgets and Administration. I think honourable senators have found that some committees allow themselves a great deal of latitude in discussing and reporting on matters within their mandate without a specific order of reference. Some of this is done under the rubric, for example, of the Estimates. At the Standing Senate Committee on National Finance, we can study just about anything, so long as we have the Estimates technically before us. At the Standing Senate Committee on Official Languages, we can take up just about anything, so long as we have the Commissioner of Official Languages' report before us. We do not think we need to come back for a specific order of reference that frequently. Other committees treat these matters differently.

• (1650)

While you are considering the point of order raised by Senator Cools, you might reflect on the extent to which the Senate wishes to keep its standing committees on a short leash — or, to put it another way, to what extent a standing committee should have latitude to pursue matters that are generally within the mandate and the subject matter that the committee is supposed to deal with.

The Hon. the Speaker: Are there any further comments on the point of order?

Senator Cools: I should like to thank Senator Murray for his intervention and for his somewhat flawed interpretation of what I did. My introduction was by way of personal statement to introduce my acquaintance with the subject. The latter part was by way of appreciating and thanking Senator Grafstein, who has had a long history of devotion to community work in Toronto, on the timeliness and importance of his initiative.

By way of closing, the issue that was before us on the point of order — which Senator Murray really did not address — was that there are very few committees that have the ability to take an initiative. One of them is the Rules Committee. There is also the Internal Economy Committee, and I have forgotten the other one.

I shall read rule 86(1)(s) — respecting the Human Rights Committee — from the *Rules of the Senate of Canada*:

The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to human rights generally.

Therefore, the Human Rights Committee has very little freedom to initiate major studies on its own.

Senator Murray is absolutely correct that, with respect to the business of referring to a study or looking up resolutions of other houses, any committee can do at any point. My issue was on the composition of an order of reference from this place. I think Senator Grafstein was doing right in terms of seeking an order of reference — and that is the proper word for it — from this place.

My point in raising this, honourable senators, is to show very clearly that what can be referred to committees is relatively circumspect. Remember, once a reference is made, that is an order and it is circumspect.

I believe the section on committees runs from 86(1) all the way through. If one reads every single rule in that section, one very quickly comes to the conclusion that there is no rubric there that allows decisions of other assemblies en masse to be referred to those committees for consideration and comment.

This is something I have looked at very carefully. I can tell honourable senators that there is nothing whatsoever in the rule that contemplates that one house should put another one under discussion or under debate.

This may be a new phenomenon; maybe I am just a dinosaur. As a matter of fact, if honourable senators go to the Order Paper, which lists the number of things that can be introduced into the chamber, they will find the same problem, no rubric.

Perhaps Canada should expect that many of its Parliamentary decisions and resolutions made here will find themselves being considered, debated and condemned in other assemblies. It may very well be that other assemblies, foreign ones, may use their penal and subpoena powers to subpoena members to come before them to appear as witnesses under coercion.

That is something that would worry me, particularly in the instance of someone like Senator Dallaire, who has had international experience and has not always accepted by other people and other legislatures. I would be very unhappy if any of those assemblies tried to use their penal powers to compel a member of our place to come before them.

Honourable senators, that is the issue. I wanted not to confuse the merits or the substance of the proposal; it may very well be that a motion, properly moved, could reach some of these same conclusions. All I am saying is that the independence of this place demands that we do our own study, that we arrive at our own conclusions, searching out our own evidence and research, and that we are not putting the decision of another assembly to our judgment. That is all.

The Hon. the Speaker: I want to thank all honourable senators for their contribution to this point of order, which I will take under consideration.

[Translation]

**IMPACT OF CHARTER OF RIGHTS AND FREEDOMS
ON THE RIGHTS OF CANADIANS
AND PREROGATIVES OF PARLIAMENT**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the impact that the *Charter of Rights and Freedoms* has had these past 24 years on the rights of Canadians and the prerogatives of the Parliament of Canada.—(Honourable Senator Andreychuk)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is my great pleasure to speak today to the inquiry of Senator Segal on the impact the Charter of Rights and Freedoms has had these past 25 years on the rights of Canadians.

[English]

As honourable senators know, April 17 marks the twenty-fifth anniversary of the Canadian Charter of Rights and Freedoms. It is an honour for me to take part and, I hope, to contribute to the ongoing debate on the Charter, and I do so with the utmost humility.

On this very important anniversary marking the inclusion of the Charter of Rights and Freedoms in our Constitution, it is quite appropriate that we, as senators, should take part and reflect on the impact that this very important document has had on rights in our country.

According to Patrick Monahan, the Dean of Osgoode Law School, the Charter has made Canada a better place. He is quoted in *The Ottawa Citizen* on April 15 — and I quote:

It's a fairer society . . . It's a society that treats individuals with greater concern and respect, and I think it's a society that provides for checks and balances on the exercise of political power.

[Translation]

In their speeches, the honourable senators who spoke before me eloquently described the general impact the Charter has had on individuals by protecting their freedom of expression, association and mobility, the rights of Aboriginal peoples and the right to equality before the law.

Their thoughtful and informed interventions enrich the debate and contribute to the conversation that began 25 years ago involving legislators, legal scholars, researchers and civil society. It is also clear, by the number of documents, articles, texts,

speeches and seminars that have been organized to commemorate this event that entrenching the Charter in the Canadian Constitution has significance to many people.

In my view, this shows the real and tangible impact the Charter has had on the lives of many Canadians and on certain communities.

[English]

This Sunday, on April 15, the *Ottawa Citizen* published an interesting in-depth article about Charter cases that have defined our rights over the last 25 years on matters of freedom of religion, liberty of the person, freedom of expression, equality rights and numerous others. While this article proved very interesting, it struck me that it failed to mention anywhere the indelible impact on official language minority communities' education rights of article 23 of the Charter and subsequent Supreme Court rulings.

[Translation]

This surprising omission confirmed to me that there is still room for constructive debate to underscore certain lesser known aspects of the Charter such as the impact on official language minority communities. As many of you already know, the Charter of Rights and Freedoms had a significant, tangible and very real impact on francophone minority communities.

In my view, the Charter of Rights and Freedoms, section 23 in particular, was a defining moment in the evolution of linguistic rights.

• (1700)

[English]

In a recent article, Graham Fraser, the Commissioner of Official Languages stated:

the Charter of Rights and Freedoms consolidated equality and language rights. . . . Language rights were central to the Charter.

As Daniel Bourgeois explained recently in his book, *Canadian Bilingual Districts*, "the Charter contains eight sections pertaining to language rights," from recognition of English and French as the official languages of Canada and New Brunswick, to the right of instruction in the language of the minority.

However, of the Charter's eight sections pertaining to language rights, academics, community representatives, politicians and citizens alike concur that section 23, which recognized that "the English or French linguistic minority communities of a province have a right to primary and secondary instruction in their language and to the management of their school systems, where numbers warrant" proved to be a watershed moment in the evolution of linguistic rights.

[Translation]

According to Michael Behiels:

The inclusion of educational rights in the Canadian Charter of Rights and Freedoms in 1982 drastically changed French-language education.

In the words of Gino Leblanc, former president of the Fédération des communautés francophones et acadienne, section 23 of the Charter was “a revolution in the field of education”. Even in its 1990 judgment on the Mahé case, the Supreme Court of Canada ruled that article 23:

represents a linchpin in this nation’s commitment to the values of bilingualism and biculturalism.

This did not all happen overnight, and it did not prove to be easy.

As Dyane Adam, the former commissioner of official languages, stated in her 2004 annual report, even though the Charter recognized the rights of minority parents, according to her, and I quote:

— it would take the Francophone minority another 10 years of court battles to win the right for parents to govern their schools.

In a number of provinces, particularly in Alberta, the Charter brought about the first publicly funded French-language schools.

In my community in Alberta, it was not until 1984, two years after the Charter was entrenched, that the first publicly funded French-language schools opened their doors: Maurice Lavallée school in Edmonton, and Marguerite Bourgeois school in Calgary.

Before the Charter, there were no publicly funded French-language schools in Alberta. It was only after 1982 that it was possible to think about creating publicly funded French-language schools.

I sat on the first parents’ committee that fought for publicly funded French-language school in Edmonton. We had to hold many meetings, draft petitions, make submissions to the school boards, and change the mindset and culture of organizations with respect to the educational rights of Francophones.

In addition to the authorities and anglophone parents, francophone parents who were satisfied with the existing situation quite often had to be convinced.

As the former Official Languages Commissioner stated so eloquently in her 2004 annual report:

In the beginning, neither the majority community nor the francophone community were fully behind the project.

This was due to the fact that, before 1982, the demands of French-speaking Albertans were not legitimate in the eyes of a majority of Albertans.

Schools for francophones? It was a whim and thus unnecessary. There was no infrastructure; it would have to be built from the ground up.

The Charter gave legitimacy to parents’ demands presented to the provincial government, school boards and local authorities. French-language schools were no longer a whim; they were recognized by the country’s fundamental, constitutional law.

As you know, in Alberta’s case, a group of parents had to go to court to assert the rights recognized by the Charter.

As a mother, I would have liked my daughter to be educated entirely in a French-language school. It was not until 1990, when she was in grade 12, that my daughter was finally able to be educated in such a school for the first time.

It was also in that year that the Supreme Court of Canada recognized, with the *Mahé* decision, the right of French-language minority communities to establish and manage their own schools.

It was not until 1994, 12 years after the Charter came into force, that the Alberta government established French school boards. And yet, in 1982, Alberta had signed the new Constitution and accepted the Charter.

The province accepted, on paper, the principle of minority language education, but in practice, things took much longer. Many of you might have similar stories to tell about the establishment of French-language schools in your own province, be it Manitoba, Nova Scotia, Prince Edward Island or even Ontario. Despite the fact that the Charter recognized our right to be educated in our own language, many of us had to go to court, at great cost, to make our provincial governments understand that we had rights. How many parents, teachers, school principals and community associations have had to work hard to convince local authorities, school boards and provincial governments that they have constitutional rights guaranteed under the Charter? The Charter changed everything.

Before the Charter, there were no publicly funded French-only schools in Alberta. Today, there are more than 30 francophone schools in Alberta, five school boards and almost 5,000 students.

Francophone schools have helped slow assimilation and stimulate the vitality of our francophone communities.

I also believe that the Charter has promoted dialogue among federal and provincial legislators, the courts, civil society and governments.

As the Commissioner of Official Languages said in a recent article:

[English]

... language rights have developed and advanced in Canada over the last quarter century through an elaborate three-way discussion between the Canadian Parliament, the provinces and the Canadian courts.

[Translation]

Without the Charter, that discussion would not have taken place.

[English]

If, as Lord Sankey opined in the famous *Persons Case*, the Canadian Constitution should be seen as “a living tree capable of growth and expansion within its natural limits,” then the Charter and the language rights it recognized and helped develop will continue to grow and evolve over time. The “conversation,” as Graham Fraser calls it, between Parliamentarians, provincial

governments, the courts, the federal government and official language minority communities will continue to evolve and shape our future.

[Translation]

We should also remember something very important that Roger Tassé pointed out in a recent article:

The Charter is a framework, an instrument, a method that enables us to protect our basic rights from abuses of power and the excess of government authority in response to the changes that are transforming and will continue to transform our society and our world.

The Charter protects minorities from the potential tyranny of the majority.

Before the Charter, as André Braën pointed out:

A few language-related issues ended up in the courts at the end of the 19th and the beginning of the 20th centuries.

Does anyone remember the Manitoba Schools Act? What about New Brunswick's Common Schools Act? What about the Alberta Schools Act and Regulation 17 in Ontario?

• (1710)

The Charter made such legislation impossible or invalid, because it was no longer possible for provincial governments to prevent the teaching of the French language or the creation of French-language schools, as they had done with that previous repressive legislation.

As our former colleague, professor Gérald Beaudoin, pointed out, the path of language rights in Canada has been very long, and the Charter marked a turning point in the evolution of linguistic rights in Canada.

[English]

Honourable senators, while the political, philosophical and academic debates surrounding the impact of the Charter on this quarter-century anniversary continue, we must never forget that the Charter is not simply an abstract document of law with remote implications on our daily lives. It has proven to be one of the most important political and legal documents in our recent history, with a real and tangible effect on the daily lives of Canada's official language minority communities. As my own story and that of many others in official language minority communities demonstrate, the Charter has not only had an abstract, high-level impact on our political institutions and political thought, it has also changed, very tangibly, the lives of many Canadians.

Hon. Noël A. Kinsella: Honourable senators, as Speaker of the Senate, I should be disciplined in having custody of the tongue, but given that today is the twenty-fifth anniversary of an historic event, I did not want to miss the opportunity to address this important inquiry of the Honourable Senator Segal.

Honourable senators, 25 years ago today, Her Majesty Queen Elizabeth II sat at a table placed in front of the Peace Tower and signed the Canada Act, 1982. That same table is now located in

the office of the Speaker of the Senate of Canada. The table serves as a daily reminder of the work accomplished by many Canadians that led to the repatriation of the Constitution with the Charter of Rights and Freedoms. On the wall adjacent to this artefact is a series of photos from the first ministers meetings that made this all possible. I would invite honourable senators to drop by the office of the Speaker of the Senate to see this part of the Charter's story.

Earlier today, I was pleased to speak at the twenty-fifth anniversary conference on the Charter organized by the Association of Canadian Studies at the University of Ottawa, at which time I touched on a number of points. First, and importantly, the practice of freedom in our great country has enjoyed significant success during the past 140 years, notwithstanding some significant bumps along the way, such as the head tax, Komagata Maru, the internment of Canadians of Japanese heritage, anti-Semitic restrictive covenants and other forms of discrimination. However, successive generations of men and women of goodwill from all corners of Canada and at various times have risen to the occasion and have made significant contributions to the growing of Canadian freedom, from Macdonald and Cartier through the *Labour Convention* cases of the 1930s; to the work of McGill's John Humphrey, Maxwell Cohen and Frank Scott; to John Diefenbaker's Canadian Bill of Rights; to the judgements of former Justices Ivan Rand, Bora Laskin and our late friend, Walter Tarnopolsky.

The first ministers of Canada held the attention of Canadians during the early 1980s when they made their contribution to the agreement on the patriation of the Constitution with the Charter of Rights and Freedoms. I was particularly pleased with the contribution to that process made by the late Senator Richard Hatfield, former Premier of New Brunswick. Indeed, without the support of former Premier Bill Davis of Ontario and Richard Hatfield, the Charter would not have come into being.

Honourable senators, the International Covenants on Human Rights of the United Nations, which was ratified by Canada in 1976, with the written support and agreement from all provinces, served as an important inspiration for the idea of a Canadian constitutional charter. One of the reasons that former Premier Hatfield of New Brunswick supported repatriation with a Charter of Rights and Freedoms was that he understood that the standard of human rights provided by the covenants already imposed human rights obligations upon Canada. Many attempted to underscore the fact of this previously written agreement, with all provinces replying to a letter sent by former Prime Minister Pearson inviting them to examine the two covenants and to indicate whether Canada should deposit the instrument of ratification. Each province wrote back and the Province of Quebec, in my judgment, did the most serious analysis of the human rights standard provided by those covenants. Unfortunately, although an attempt was made to underscore the fact that Canada already had a written agreement on a human rights standard, it was difficult to make that completely understood.

I would argue that the high standard of the UN International Covenants on Human Rights, in comparison with the Charter, is worthy of recollection. During this current period of anti-terrorism legislation, it is instructive to recall that provisions of Article 4 of the International Covenant on Civil

and Political Rights, which was ratified by Canada and obliges Canada with the agreement in writing of all provinces, provides a standard of non-derogation of certain rights, even during times when the life of the nation is threatened. Article 4 reads:

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

The above noted articles deal with such things as torture. Our international standard of human rights prohibits the derogation, even in times of national emergency when the life of a nation itself is threatened. Torture may never be used under the terms of that standard, which is a far superior standard in the minds of many students of human rights than is the covenant. The covenants have served to guide our courts in their interpretation of the content of the Charter.

Honourable senators, allow me to reflect on the *non obstante* provision of section 33, which was the dealmaker in settling the parliamentary supremacy debate during the 1980 First Ministers' Conference. Most students of human rights are satisfied with the limited use that legislators have made of the notwithstanding provision. Equally, students have found it interesting to study the operation of the Human Rights Act adopted by the Parliament of Westminster a few years ago that allows for the application of the European Convention on Human Rights in the United Kingdom.

• (1720)

However, the judgment of a tribunal in England to the effect that a law that contravenes the European convention does not have the effect that the offending statute is nullified. Rather, that can only be accomplished by an act of Parliament. In the United Kingdom, therefore, their system would seem to allow for what might be described as an ongoing *non-obstante* provision. I clearly prefer our Canadian law to that one.

Another point on the relationship of our Charter to the covenant is that the International Covenant on Economic, Social and Cultural Rights is a companion covenant to the International Covenant on Civil and Political Rights covenant. It provides us with a model for a new initiative in Canada, namely, an initiative to establish a Canadian social charter. I would hope that, in the not-too-distant future, we will see Parliament moving forward, courageously and creatively, in the creation of a Canadian social charter.

The courts in Canada have faced the difficult task of reconciling the mounting tensions between societal rights for security and individual's rights to freedom of religion. In the time remaining, I should like to briefly review four particular decisions the Supreme Court of Canada rendered since the enactment of the Charter in 1982. I hope to advance the argument that a proper understanding of freedom of religion can serve the right to

security through the reasonable accommodation of religious freedom. To the extent that one's freedom of religion does not harm others or jeopardize public safety, religious acceptance and tolerance can, in the end, foster security.

Freedom of religion, as honourable senators know, is entrenched by section 2(a) of the Charter of Rights and Freedoms. The Supreme Court of Canada, and thus my first case to cite, provided a seminal interpretation of religious freedom in *R. v. Big M Drug Mart Ltd.*, in 1985. The case involved a constitutional challenge to the Lord's Day Act, which prohibited retail trade on Sundays unless provincial law provided otherwise. In concluding that the legislation violated freedom of religion due to its coercive effect, the Supreme Court of Canada stated — and I quote:

... the essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest belief by worship and practice or by teaching and dissemination.

However, the court also held that freedom of religion may be limited when it causes harm to others. In particular, the freedom was stated to be — and I quote:

... subject to limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedom of others.

There have been notable decisions since *R. v. Big M Drug Mart Ltd.* In 1986, the case of *Ross v. New Brunswick School District No. 15*, a case on which I worked, involved a teacher who was disseminating anti-Semitic works and making anti-Semitic statements outside the classroom. The Supreme Court upheld the teacher's right to express his opinions based on the sincerity of his beliefs and found that his freedom of religion had been violated when he was deprived of his post. However, the court restricted the scope of the teacher's freedom of religion and expression through its analysis under section 1 of the Charter, which allows rights and freedoms to be subject to such reasonable limits as can be demonstrably justified in a free and democratic society.

In the case of *Syndicat Northcrest v. Amselem* in 2004, the Supreme Court of Canada upheld the right of orthodox Jews to construct succahs on their condominium balconies for the purposes of fulfilling a practice of dwelling in small and enclosed temporary huts during annual religious festivals, but with limitations.

More recently — my final case — reconciling individual freedom of religion with collective safety or security is *Multani v. Commission scolaire Marguerite-Bourgeoys*, rendered in March of 2006. That was the case of the student with the kirpan.

In summary, these four decisions of the Supreme Court demonstrate the way in which religious freedom must be reconciled with other rights or may be restricted where its unlimited recognition would undermine the security of others. As first enunciated in *Big M Drug Mart*, freedom of religion is subject to limitations as are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. In the *Ross* case, the teacher was precluded from holding a

teaching post, as his anti-Semitic views harmed the students in his classroom. Even in the *Amselem* and *Multani* decisions, religious freedom was not absolute, and factors relating to safety and security were considered. Mr. Singh Multani had already agreed to certain conditions in being allowed to wear his kirpan, such as ensuring that it was worn under his clothes, carried in a wooden rather than a metal sheath, and was securely wrapped and sewn to prevent it from falling out or being taken by another student. The co-owners in the *Amselem* case had undertaken to set up their succahs in such a way that they would not block doors, obstruct fire lanes or otherwise pose a threat to safety or security.

In *Multani*, the Supreme Court of Canada assigned an important role to schools in the transmission of Charter values. It stated that if the school in question were to completely ban kirpans, it would — and I quote:

... stifle the promotion of values such as multiculturalism, diversity, and the development of an educational culture respectful of the rights of others.

The Hon. the Speaker *pro tempore*: Honourable senator, are you asking for more time?

Senator Cools: Agreed.

Senator Comeau: Five minutes.

Senator Cools: As much as he needs!

Senator Corbin: Same rights!

Senator Comeau: The Charter of Rights and Freedoms?

Senator Kinsella: Honourable senators, as stated in the February 2007 report of the Special Senate Committee on the Anti-Terrorism Act, the targeting of individuals based on race, religion or ethnicity does not enhance Canada's anti-terrorism goals; rather, it leads to the deterioration of government-community relationships. If certain communities believe they are unfairly targeted by our criminal laws, they may be less likely to interact with police and security intelligence agencies in order to share information regarding actual terrorism.

All of this is to say that a society that promotes religious freedom to the greatest extent possible — that is, provided that the exercise of an individual's freedom does not harm others — is likely to be a safe and secure society. If, for example, succahs are seen annually by neighbours as part of a religious festival or kirpans are valued as a religious symbol by schools and inevitably students, familiarity and respect will replace fear and mistrust — the latter being at the root of many threats to our safety and security. By accommodating and promoting religious diversity, curtailing intolerant religious speech where it harms others and ensuring that our laws do not disproportionately target members of certain religious groups, Canadian society is able to protect both religious freedom and collective security. Given 25 years of the Charter, our courts, our legislators and our policy-makers have the capacity and responsibility to reconcile valid competing human rights claims in order to recognize each of them as fully possible.

Honourable senators, I am confident that Canada and Canadians, with the support of distinguished parliamentarians such as all present in this chamber, will continue to grow our freedom.

Hon. Anne C. Cools: I should like to ask Senator Kinsella a question, if I may. It is more than a question. I want to acknowledge —

The Hon. the Speaker *pro tempore*: The table indicates that Senator Kinsella has time for one question.

Senator Cools: This was more in line of an expression of appreciation, in that Senator Kinsella is one of the last members of this place who played an active role around the events in 1982 in repatriation and in the Charter. I thought I should draw that to the attention of honourable senators and to thank Senator Kinsella for his contribution in that period of time.

On motion of Senator Joyal, debate adjourned.

• (1730)

CONTRIBUTIONS OF THE HONOURABLE HOWARD CHARLES GREEN TO CANADIAN PUBLIC LIFE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Murray, P.C., calling the attention of the Senate to issues concerning the faithful and exemplary service to Canada, during his entire adult lifetime, of the late Honourable Howard Charles Green of British Columbia.
—(Honourable Senator Stratton)

Hon. Terry Stratton: Honourable senators, this inquiry has been standing in my name for some time. I was reminded by Senator Murray today that it is day 15, and I would like to speak to it. Therefore, with the permission of the chamber, I would like to speak to it in the next couple of days.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

MOTION URGING GOVERNMENT TO TAKE LEADING ROLE IN REINVIGORATING NUCLEAR DISARMAMENT—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire, pursuant to notice of March 29, 2007, moved:

That the Senate call on the Government of Canada to take a leading role in the reinvigoration of the urgent matter of nuclear disarmament in accordance with the *Nuclear Non-Proliferation Treaty* at the Preparatory Committee Meetings scheduled to convene April 30 to May 11, 2007 in Vienna which act as a prelude to the next Treaty Review Conference in 2010; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating the dire threat to humanity posed by nuclear weapons.

He said: Honourable senators, may I first, before introducing the subject, recognize that in the gallery we still have our ex-colleague Senator Roche and representatives of non-governmental organizations who are involved in the efforts to eliminate the use of nuclear weapons. They have demonstrated an enormous amount of patience, and I applaud them and thank them for staying on and demonstrating that perseverance as we have an opportunity to discuss and present this motion.

I present this motion in regard to non-nuclear proliferation and, ultimately, the eradication of the use of nuclear weapons. Today is the twenty-fifth anniversary of the Charter of Rights and Freedoms, and I consider the presence and use of nuclear weapons to be an aberration of human rights. It is also the fiftieth anniversary of the Pugwash movement to control and, ultimately, eradicate the use of nuclear weapons, so it is in that atmosphere that I would like to present this motion.

Nuclear weapons are the most extreme, massive violation of human rights imaginable. These weapons of mass destruction are immoral, indiscriminate, and they violate the right of every human being to basic peace and security.

In its advisory opinion in 1996, the International Court of Justice ruled unanimously that the threat or use of nuclear weapons "would generally be contrary" to humanitarian and other international law regulating the conduct of warfare and that states have a legal obligation to disarm.

Only nuclear weapons can kill hundreds of millions of people in a few hours and potentially bring about the end of life on our planet, and we discussed Kyoto. Contrary to popular propaganda, it is the nature of these weapons themselves that is evil and not certain peoples who may acquire them. Any possession of weapons designed to cause the massive annihilation of human beings is wrong and cannot be made right by specious arguments regarding deterrence. We have reached the point where no single state can operate alone; we must work together to create global security and to prevent global destruction.

The public of Canada and around the world are grossly uninformed as to the dire situation we all face, which has been compared to being asleep at the controls of a fast moving aircraft that is running rapidly out of fuel. Each day we are threatened with 27,000 nuclear weapons; approximately 2,500 of these are capable of being fired in less than 30 minutes. The number of nuclear-capable states is in danger of increasing well beyond eight or nine, and the potential exists for many regional nuclear arms races.

More than 30 countries, including Canada, are members of alliances that rely on nuclear weapons as part of their security.

The North Korean nuclear test of October 9, 2006, uncertainty concerning Iran's nuclear program, proposed modernization of nuclear weapons at extensive costs and the threat of nuclear terrorism pose new security challenges to us all.

The nuclear non-proliferation regime created in 1970 is in danger due to the following: a failed 2005 review conference — they are held every five years; states that possess nuclear weapons or who refuse to sign the treaty; the 2006 United States-India

nuclear deal, which permits India to produce more nuclear weapons; and, a denial by nuclear weapons states to honour their legal obligations to reduce and eliminate their nuclear arsenals, essentially, to disarm in the nuclear sense. We are poised precariously on the precipice of a frightening cascade of nuclear weapons proliferation.

At the end of January this year, the bulletin of the atomic scientists advanced the hand of its doomsday clock to five minutes to nuclear midnight due to the increased potential of accidental or intentional nuclear exchange. Leading scientists around the globe agree that a nuclear incident is inevitable through deliberate acts or accident. We have narrowly escaped nuclear Holocaust on several occasions due to computer or human error in the past, and trust me when I state that.

Bipartisan, distinguished American cold warriors such as Mr. Schultz, Mr. Perry, Mr. Kissinger and even Mr. Nunn have recently made 180-degree turns and now cry out against the myth of nuclear deterrence and plead for abolition of "the world's most suicidal, genocidal and ecocidal weapons" systems. The moral weight of the Nobel Peace Laureates has been applied recently to an international appeal calling for the reduction of nuclear threat. The warning signs are all there.

• (1730)

[Translation]

The world has finally become aware of the threat humans pose to the environment. There are inherent links between the environment and nuclear weapons. Without global security, it is simply impossible to achieve the cooperation that must exist between countries to remedy environmental problems. Scientists agree that a single, isolated nuclear accident could cause irreversible damage to our already fragile climate. If we do not take action immediately, it may become impossible to correct environmental problems. The world must immediately recognize the threat that nuclear weapons pose to the survival of humanity, and to what extent the environment could be permanently destroyed by the use of these weapons. What is more, these weapons are not free.

Since the end of the Cold War, some \$12 billion has been spent on developing technology that is powerful enough to blow up our planet several times over. This disgraceful and immoral waste of global resources continues to escalate today. Countries that already have nuclear weapons want to modernize them. To what end? Consider how these funds could be used to promote peace and security around the world, if only they were used to feed, educate, care for and create jobs for the less fortunate.

What steps should we be taking? What tools do we have at our disposal? A nuclear non-proliferation treaty — the last, best hope the world has of eliminating the nuclear nightmare — is within reach. The Non-Proliferation Treaty is the most powerful international treaty. In October 2006, the UN General Assembly voted 168 to 4 in favour of abolishing nuclear weapons.

Canada must take a leadership role at the Non-Proliferation Treaty preparatory committee meetings to be held in Vienna from April 30 to May 11, in order to champion not proliferation, but eradication, which is covered by this treaty.

Recently, attention has focussed on the threat of proliferation, to the point where people have forgotten the crucial issue of nuclear disarmament. In the treaty, these two issues are inextricably linked. States that do not possess nuclear weapons have agreed not to acquire any, although they still have the right to use peaceful, civilian applications of nuclear technology such as nuclear energy and medicine, whereas states that do possess nuclear weapons have agreed to eliminate their nuclear arsenal. Nevertheless, we are modernizing our nuclear weapons.

Non-proliferation requires disarmament. We have to continue to exert pressure so that states possessing nuclear weapons comply with both aspects of the treaty and, in due course, keep the promise they made more than 35 years ago to disarm. Canada must urge all the other non-nuclear-weapon states to adopt and implement the additional protocol of the International Atomic Energy Agency, which today constitutes the benchmark for monitoring compliance with the treaty.

Inspections must be carried out, and states that violate the terms of the treaty must be condemned and held to account before the international community. I suggest that we must negotiate the abolition of nuclear weapons by means of a convention like the treaties against land mines and chemical and biological weapons. The treaty simply does not go far enough. It lacks the teeth to enforce the basic expression of our human right to security: disarmament and the destruction of nuclear weapons. It does not prohibit outright the possession of nuclear weapons and makes no reference to their legality. This is not covered in the treaty.

Most member states of the United Nations are calling for immediate negotiations on a convention on nuclear weapons that would ban the development, production, testing, deployment, stockpiling, transfer, threat and even the ultimate use of nuclear weapons. No physical or financial obstacle is preventing us, within a decade or less, from freeing the world from the man-made scourge of nuclear weapons. The only things lacking are moral leadership and political will.

Why does Canada, as a middle power that does not have any nuclear weapons, not take this leadership role and initiate the process to abolish and eliminate these nuclear weapons? In my opinion, we should intensify our efforts to ensure the coming into force of the Comprehensive Nuclear Test Ban Treaty and thereby prevent the proliferation of nuclear weapons and a possible arms race. Some 177 countries have signed the treaty, but ten more must ratify it for it to come into force. A treaty banning the production of fissile material for the purposes of weapons production must be negotiated without delay.

Have we really allowed the situation between the United States and India to get to a point where these two countries have ultimately agreed to allow India to increase its stockpile of nuclear weapons and, in doing so, create an arms race in another area of the world that is extremely sensitive to any sort of conflict?

We must intensify our campaign to decrease the alert level of the nuclear arsenal in the United States and Russia and to eliminate the option of launch-on-alert policies in nuclear war plans. This launch-on-alert option determines, in a matter of five minutes, whether the enemy threat of using nuclear weapons is legitimate or not. If the threat is legitimate and real, nuclear weapons are deployed before the enemy nuclear weapons can neutralize them.

We must also encourage all the nuclear powers to adopt non-use policies regarding non-nuclear-weapon States. Why is there such urgency when the cold war is over? Or is there another war we are unaware of and for which these nuclear stockpiles absolutely must be maintained and updated at a cost of billions of dollars?

Especially since the procurement policies of countries with nuclear weapons accommodate processes for creating new, sophisticated, more effective nuclear weapons, if we can look at it that way. It is brazen hypocrisy to ask other countries to give up their nuclear weapons and to forego purchasing others when these weapons are given greater prominence in one's own security policies. The modernization of nuclear weapons for offensive purposes is quite simply scandalous. It is just incredible that the five permanent members of the Security Council are major users and owners of nuclear weapons. They do not see that it would be useful to promote the treaty to eliminate the use of nuclear weapons and therefore these weapons continue to be improved.

We should stop supporting the nuclear policies of NATO, which are incompatible with our obligations under the Nuclear Non-proliferation Treaty. On the one hand, we are against nuclear weapons and we say so. On the other hand, we are a member of an organization with a treaty based on the availability of nuclear weapons. There is actually an intolerable contradiction between our commitments under the treaty and our membership in an alliance which gives such importance to nuclear weapons in its security policies.

• (1750)

In the post-cold war world, there is no longer any reason to state that nuclear weapons play a vital role within the alliance.

[English]

The nuclear disarmament field is not an easy one in which to work. There is an almost pathological reaction to such a horrific topic, which is, in fact, denial. It is this riddle that can only be overcome with the help of the brave people in the NGO community who have worked selflessly for countless hours, years and, in some cases, decades to save civilization from this weapon of self-destruction.

On behalf of all Canadians, I salute Senator Roche and his colleagues for their ongoing work and for making us aware of the fact that we are living with that threat not only to our security but also to our fundamental ability to live on this planet, for the planet itself is at risk.

What is the way ahead? There is an exciting international campaign underway this month to promote global awareness of the dire threat to humanity by nuclear weapons. I am a proud endorser of the international campaign to abolish nuclear weapons, and I am excited at working with International Physicians for the Prevention of Nuclear War and Mayors for Peace in their attempt to educate a new generation of people about the true nature of nuclear weapons.

I firmly believe that Canada's youth are best suited to be the leading advocates of change. We need to demonstrate that a nuclear weapons-free world is not only within our grasp but is also absolutely essential for our common survival. Nuclear weapons are not an essential requirement of security in this era.

The Canadian launch of ICANw will be announced on April 30. Their website, www.icanw.org, indicates a number of ways that each and every Canadian can participate to make a real difference.

Honourable senators, let me remind you of a bit of history and bring you to the current time with Pugwash, a great little fishing town in Nova Scotia. The Pugwash Conferences on Sciences and World Affairs was founded 50 years ago at the height of the Cold War. In 1957, Canadian industrialist Cyrus Eaton, inspired by the 1955 manifesto of Albert Einstein and Bertrand Russell, brought scientists from East and West together to his summer home in the village of Pugwash, Nova Scotia.

In 1995, the Pugwash movement and its founder, Sir Joseph Rotblat, were awarded the Nobel Peace Prize for their significant contributions toward the goal of nuclear disarmament.

From July 5 to 7 this summer, the Pugwash Peace Exchange, the Canadian Pugwash Group and the Pugwash Park Commission are celebrating the importance of this piece of Canadian history at Thinker's Lodge in Pugwash, Nova Scotia. They are celebrating the fiftieth anniversary of the efforts to move this world to a sane plane of nuclear disarmament.

The Middle Powers Initiative, MPI, chaired by Senator Douglas Roche, a former Canadian disarmament ambassador, is a key group of non-governmental organizations that works with middle power governments — of which we are not an insignificant one — to encourage nuclear weapons states to disarm. This July, MPI and Pugwash are co-sponsoring an international conference on revitalizing nuclear disarmament. Would it not be interesting to bring the 1960s “ban the bomb” effort into the modern era?

The Pugwash Peace Exchange is establishing an international peace centre on this hallowed Canadian ground where people of all ages, from all walks of life, and from all corners of the world can come to learn about peace and how they can make a difference. I am very proud to be the honorary patron of this organization, and I am excited to be taking part in these festivities.

To conclude, at the heart of this matter is the frank realization that we must invent a new kind of global security, one not based on erroneous concepts of deterrence which only serve to augment our mutual lack of security. Increasingly, our individual actions have global consequences and only a global solution can possibly extricate us from this horrible predicament of having the ability to literally eliminate ourselves.

In the words of Martin Luther King:

I refuse to accept the cynical notion that nation after nation must spiral down a militaristic stairway into the hell of nuclear annihilation.

We must all learn to live together as brothers or perish together as fools.

I have seen with my own eyes genocide by machete. Although the machete would certainly not be perceived as a weapon of mass destruction, in 100 days it was able to kill 800,000 people. Imagine

what nuclear genocide would look like. Any peace based upon the threat of genocide is an immoral bastardization of the concept of peace.

Honourable senators, we have reached a fork in the road of humanity. One path leads to certain apocalypse, the other to a peaceful cooperative world. Let Canada, this leading middle power, blaze the trail down the road of a sustainable future by respecting human rights and doing all in our power to eliminate, to eradicate, to destroy nuclear weapons.

I am not an alarmist. I am a soldier, conscious of the capabilities and the vulnerabilities of those systems. This is the number one threat to the future of mankind. In the past, my warnings have fallen on deaf ears, with tragic results in Africa. I implore each and every person who hears my words today to take them to heart and to learn more, and to take action on the fact that we are more vulnerable to self-destruction in this era than we were in an era that we considered very dangerous, that is, the Cold War.

One advantage of our technological age is that people can make their political voices heard and governments have no choice but to listen or fall. Significant expressions of public concern, both in quality and quantity, can spur governments to increase funding and take actions in response. Our time is running out. The nuclear arms race can have no winner but will lead to the loss of all that we cherish. The very future of our children, grandchildren and the not-yet-born swings in the balance. Surely our destructive capability will not overcome our desire to live, love and prosper. Disarmament is the litmus test of our humanity. We cannot afford to fail in this era. We must not fail, for we are committing genocide upon ourselves.

Hon. Lowell Murray: Honourable senators, we are almost at six o'clock. I will take the occasion to make one or two brief preliminary remarks, after which, with your indulgence, I shall propose the adjournment of the debate and return to it on another day.

Let me join with Senator Dallaire in greeting our old friend Senator Doug Roche. Senator Roche served through five Parliaments, I believe, as an elected member of the House of Commons and through several Parliaments here in the Senate. Between times he was, as Senator Dallaire noted, Canada's ambassador for disarmament, in which capacity his passionate commitment and advocacy at home and abroad to the cause of nuclear disarmament is well remembered and well respected and appreciated.

I want to thank Senator Dallaire for bringing this motion forward. It could not be more timely. This is a cause that desperately needs now a strong injection of new intellectual and political energy, and I will argue that there is a terrific opportunity and responsibility for Canada, and for the present government of Canada in the present circumstances, to take the leadership on this matter, if it chooses to do so.

• (1800)

We have moved on from the days when we had a Cold War standoff between the two superpowers with the doctrine of mutually assured destruction. There was some strategic coherence or rationale to that doctrine, but as we were reminded by the

former cabinet secretaries, Kissinger, Schultz and Perry, and former Senator Nunn in the declaration to which Senator Dallaire referred, that doctrine is obsolete and we are now perhaps arguably in a situation far more dangerous than we knew even during the Cold War.

I do not have the military or defence policy background of Senator Dallaire, but I will argue the case for an injection of new energy and especially of political will in this country and elsewhere, for it has been political in the past. Any reading of history tells us that political will has been the prime contributing

factor whenever we have been able to make progress in this world on arms control and disarmament.

With those few remarks, honourable senators, and with your indulgence, I will propose the adjournment of the debate.

On motion of Senator Murray, debate adjourned.

The Senate adjourned until Wednesday, April 18, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(April 17, 2007)

| | |
|--------------------------------------|---|
| The Right Hon. Stephen Joseph Harper | Prime Minister |
| The Hon. Robert Douglas Nicholson | Minister of Justice and Attorney General of Canada |
| The Hon. David Emerson | Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics |
| The Hon. Jean-Pierre Blackburn | Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec |
| The Hon. Gregory Francis Thompson | Minister of Veterans Affairs |
| The Hon. Marjory LeBreton | Leader of the Government in the Senate and Secretary of State (Seniors) |
| The Hon. Monte Solberg | Minister of Human Resources and Social Development |
| The Hon. Chuck Strahl | Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board |
| The Hon. Gary Lunn | Minister of Natural Resources |
| The Hon. Peter Gordon MacKay | Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency |
| The Hon. Loyola Hearn | Minister of Fisheries and Oceans |
| The Hon. Stockwell Day | Minister of Public Safety |
| The Hon. Carol Skelton | Minister of National Revenue |
| The Hon. Vic Toews | President of the Treasury Board |
| The Hon. Rona Ambrose | President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification |
| The Hon. Diane Finley | Minister of Citizenship and Immigration |
| The Hon. Gordon O'Connor | Minister of National Defence |
| The Hon. Beverley J. Oda | Minister of Canadian Heritage and Status of Women |
| The Hon. Jim Prentice | Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians |
| The Hon. John Baird | Minister of the Environment |
| The Hon. Maxime Bernier | Minister of Industry |
| The Hon. Lawrence Cannon | Minister of Transport, Infrastructure and Communities |
| The Hon. Tony Clement | Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario |
| The Hon. James Michael Flaherty | Minister of Finance |
| The Hon. Josée Verner | Minister of International Cooperation and Minister for La Francophonie and Official Languages |
| The Hon. Michael Fortier | Minister of Public Works and Government Services |
| The Hon. Peter Van Loan | Leader of the Government in the House of Commons and Minister for Democratic Reform |
| The Hon. Jay D. Hill | Secretary of State and Chief Government Whip |
| The Hon. Jason Kenney | Secretary of State (Multiculturalism and Canadian Identity) |
| The Hon. Gerry Ritz | Secretary of State (Small Business and Tourism) |
| The Hon. Helena Guergis | Secretary of State (Foreign Affairs and International Trade) (Sport) |
| The Hon. Christian Paradis | Secretary of State (Agriculture) |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 17, 2007)

| Senator | Designation | Post Office Address |
|----------------------------------|------------------------------------|--|
| THE HONOURABLE | | |
| Jack Austin, P.C. | Vancouver South | Vancouver, B.C. |
| Willie Adams | Nunavut | Rankin Inlet, Nunavut |
| Lowell Murray, P.C. | Pakenham | Ottawa, Ont. |
| Peter Alan Stollery | Bloor and Yonge | Toronto, Ont. |
| Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa, Ont. |
| Jerahmiel S. Grafstein | Metro Toronto | Toronto, Ont. |
| Anne C. Cools | Toronto Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuuaq, Que. |
| Daniel Hays, P.C. | Calgary | Calgary, Alta. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Eymard Georges Corbin | Grand-Sault | Grand-Sault, N.B. |
| Norman K. Atkins | Markham | Toronto, Ont. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. |
| Mira Spivak | Manitoba | Winnipeg, Man. |
| Pat Carney, P.C. | British Columbia | Vancouver, B.C. |
| Gerald J. Comeau | Nova Scotia | Saulnierville, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | Nova Scotia | Halifax, N.S. |
| Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. |
| J. Trevor Eyton | Ontario | Caledon, Ont. |
| Wilbert Joseph Keon | Ottawa | Ottawa, Ont. |
| Michael Arthur Meighen | St. Marys | Toronto, Ont. |
| Janis G. Johnson | Winnipeg-Interlake | Gimli, Man. |
| A. Raynell Andreychuk | Saskatchewan | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| Marcel Prud'homme, P.C. | La Salle | Montreal, Que. |
| Leonard J. Gustafson | Saskatchewan | Macoun, Sask. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |
| W. David Angus | Alma | Montreal, Que. |
| Pierre Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton, P.C. | Ontario | Manotick, Ont. |
| Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| Lise Bacon | De la Durantaye | Laval, Que. |
| Sharon Carstairs, P.C. | Manitoba | Winnipeg, Man. |
| John G. Bryden | New Brunswick | Bayfield, N.B. |
| Rose-Marie Losier-Cool | Tracadie | Bathurst, N.B. |
| Céline Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| William H. Rompkey, P.C. | North West River, Labrador | North West River, Labrador, Nfld. & Lab. |
| Lorna Milne | Peel County | Brampton, Ont. |
| Marie-P. Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |

| Senator | Designation | Post Office Address |
|----------------------------|---------------------------|----------------------------------|
| Wilfred P. Moore | Stanhope St./South Shore | Chester, N.S. |
| Lucie Pépin | Shawinigan | Montreal, Que. |
| Fernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| Catherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| Serge Joyal, P.C. | Kennebec | Montreal, Que. |
| Joan Cook | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Ross Fitzpatrick | Okanagan-Similkameen | Kelowna, B.C. |
| Francis William Mahovlich | Toronto | Toronto, Ont. |
| Joan Thorne Fraser | De Lorimier | Montreal, Que. |
| Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue, Que. |
| Vivienne Poy | Toronto | Toronto, Ont. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Nick G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| Tommy Banks | Alberta | Edmonton, Alta. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Elizabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Jean Lapointe | Saurel | Magog, Que. |
| Gerard A. Phalen | Nova Scotia | Glace Bay, N.S. |
| Joseph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| Michel Biron | Mille Isles | Nicolet, Que. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. |
| Raymond Lavigne | Montarville | Verdun, Que. |
| David P. Smith, P.C. | Cobourg | Toronto, Ont. |
| Maria Chaput | Manitoba | Sainte-Anne, Man. |
| Pana Merchant | Saskatchewan | Regina, Sask. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |
| Percy Downe | Charlottetown | Charlottetown, P.E.I. |
| Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire, Que. |
| Mac Harb | Ontario | Ottawa, Ont. |
| Marilyn Trenholme Counsell | New Brunswick | Sackville, N.B. |
| Terry M. Mercer | Northend Halifax | Caribou River, N.S. |
| Jim Munson | Ottawa/Rideau Canal | Ottawa, Ont. |
| Claudette Tardif | Alberta | Edmonton, Alta. |
| Grant Mitchell | Alberta | Edmonton, Alta. |
| Elaine McCoy | Alberta | Calgary, Alta. |
| Robert W. Peterson | Saskatchewan | Regina, Sask. |
| Lillian Eva Dyck | Saskatchewan | Saskatoon, Sask. |
| Art Eggleton, P.C. | Ontario | Toronto, Ont. |
| Nancy Ruth | Cluny | Toronto, Ont. |
| Roméo Antonius Dallaire | Gulf | Sainte-Foy, Que. |
| James S. Cowan | Nova Scotia | Halifax, N.S. |
| Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe, Que. |
| Hugh Segal | Kingston-Frontenac-Leeds | Kingston, Ont. |
| Larry W. Campbell | British Columbia | Vancouver, B.C. |
| Rod A.A. Zimmer | Manitoba | Winnipeg, Man. |
| Dennis Dawson | Lauzon | Sainte-Foy, Que. |
| Yoine Goldstein | Rigaud | Montreal, Que. |
| Francis Fox, P.C. | Victoria | Montreal, Que. |
| Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations, N.B. |
| Michael Fortier, P.C. | Rougemont | Town of Mount Royal, Que. |

SENATORS OF CANADA

ALPHABETICAL LIST

(April 17, 2007)

| Senator | Designation | Post Office Address | Political Affiliation |
|---------------------------------|---------------------------|----------------------------------|--------------------------|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Liberal |
| Andreychuk, A. Raynell | Saskatchewan | Regina, Sask. | Conservative |
| Angus, W. David | Alma | Montreal, Que. | Conservative |
| Atkins, Norman K. | Markham | Toronto, Ont. | Progressive Conservative |
| Austin, Jack, P.C. | Vancouver South | Vancouver, B.C. | Liberal |
| Bacon, Lise | De la Durantaye | Laval, Que. | Liberal |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. | Liberal |
| Banks, Tommy | Alberta | Edmonton, Alta. | Liberal |
| Biron, Michel | Mille Isles | Nicolet, Que. | Liberal |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Liberal |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Liberal |
| Campbell, Larry W. | British Columbia | Vancouver, B.C. | Liberal |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | Conservative |
| Carstairs, Sharon, P.C. | Manitoba | Winnipeg, Man. | Liberal |
| Champagne, Andr  e, P.C. | Grandville | Saint-Hyacinthe, Que. | Conservative |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Liberal |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. | Conservative |
| Comeau, Gerald J. | Nova Scotia | Saulnierville, N.S. | Conservative |
| Cook, Joan | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Liberal |
| Cools, Anne C. | Toronto Centre-York | Toronto, Ont. | Conservative |
| Corbin, Eymard Georges | Grand-Sault | Grand-Sault, N.B. | Liberal |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Liberal |
| Cowan, James S. | Nova Scotia | Halifax, N.S. | Liberal |
| Dallaire, Rom  o Antonius | Gulf | Sainte-Foy, Que. | Liberal |
| Dawson, Dennis | Lauzon | Ste-Foy, Que. | Liberal |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Liberal |
| De Ban  , Pierre, P.C. | De la Valli  re | Montreal, Que. | Liberal |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | Conservative |
| Downe, Percy | Charlottetown | Charlottetown, P.E.I. | Liberal |
| Dyck, Lillian Eva | Saskatchewan | Saskatoon, Sask. | Ind. New Democrat |
| Eggleton, Art, P.C. | Ontario | Toronto, Ont. | Liberal |
| Eyton, J. Trevor | Ontario | Caledon, Ont. | Conservative |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Liberal |
| Fitzpatrick, Ross | Okanagan-Similkameen | Kelowna, B.C. | Liberal |
| Fortier, Michael, P.C. | Rougemont | Town of Mount Royal, Que. | Conservative |
| Fox, Francis, P.C. | Victoria | Montreal, Que. | Liberal |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Liberal |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Liberal |
| Gill, Aur  lien | Wellington | Mashteuiatsh, Pointe-Bleue, Que. | Liberal |
| Goldstein, Yoine | Rigaud | Montreal, Que. | Liberal |
| Grafstein, Jerahmiel S. | Metro Toronto | Toronto, Ont. | Liberal |
| Gustafson Leonard J. | Saskatchewan | Macoun, Sask. | Conservative |
| Harb, Mac. | Ontario | Ottawa, Ont. | Liberal |
| Hays, Daniel, P.C. | Calgary | Calgary, Alta. | Liberal |
| Hervieux-Payette, C  line, P.C. | Bedford | Montreal, Que. | Liberal |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Liberal |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Liberal |

| Senator | Designation | Post Office Address | Political Affiliation |
|-----------------------------------|------------------------------------|--|--------------------------|
| Johnson, Janis G. | Winnipeg-Interlake | Gimli, Man. | Conservative |
| Joyal, Serge, P.C. | Kennebec | Montreal, Que. | Liberal |
| Kenny, Colin | Rideau | Ottawa, Ont. | Liberal |
| Keon, Wilbert Joseph | Ottawa | Ottawa, Ont. | Conservative |
| Kinsella, Noël A., <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. | Conservative |
| Lapointe, Jean | Saurel | Magog, Que. | Liberal |
| Lavigne, Raymond | Montarville | Verdun, Que. | Liberal |
| LeBreton, Marjory, P.C. | Ontario | Manotick, Ont. | Conservative |
| Losier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Liberal |
| Lovelace Nicholas, Sandra | New Brunswick | Tobique First Nations, N.B. | Liberal |
| Mahovich, Francis William | Toronto | Toronto, Ont. | Liberal |
| Massicotte, Paul J. | De Lanaudière | Mont-Saint-Hilaire, Que. | Liberal |
| McCoy, Elaine | Alberta | Calgary, Alta. | Progressive Conservative |
| Meighen, Michael Arthur | St. Marys | Toronto, Ont. | Conservative |
| Mercer, Terry M. | Northend Halifax | Caribou River, N.S. | Liberal |
| Merchant, Pana | Saskatchewan | Regina, Sask. | Liberal |
| Milne, Lorna | Peel County | Brampton, Ont. | Liberal |
| Mitchell, Grant | Alberta | Edmonton, Alta. | Liberal |
| Moore, Wilfred P. | Stanhope St./South Shore | Chester, N.S. | Liberal |
| Munson, Jim | Ottawa/Rideau Canal | Ottawa, Ont. | Liberal |
| Murray, Lowell, P.C. | Pakenham | Ottawa, Ont. | Progressive Conservative |
| Nancy Ruth. | Cluny | Toronto, Ont. | Conservative |
| Nolin, Pierre Claude | De Salaberry | Quebec, Que. | Conservative |
| Oliver, Donald H. | Nova Scotia | Halifax, N.S. | Conservative |
| Pépin, Lucie | Shawinigan | Montreal, Que. | Liberal |
| Peterson, Robert W. | Saskatchewan | Regina, Sask. | Liberal |
| Phalen, Gerard A. | Nova Scotia | Glace Bay, N.S. | Liberal |
| Pitfield, Peter Michael, P.C. | Ottawa-Vanier | Ottawa, Ont. | Independent |
| Poulin, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Liberal |
| Poy, Vivienne | Toronto | Toronto, Ont. | Liberal |
| Prud'homme, Marcel, P.C. | La Salle | Montreal, Que. | Independent |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Liberal |
| Rivest, Jean-Claude | Stadacona | Quebec, Que. | Independent |
| Robichaud, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Liberal |
| Rompkey, William H., P.C. | North West River, Labrador | North West River, Labrador, Nfld. & Lab. | Liberal |
| St. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | Conservative |
| Segal, Hugh | Kingston-Frontenac-Leeds | Kingston, Ont. | Conservative |
| Sibbeston, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Liberal |
| Smith, David P., P.C. | Cobourg | Toronto, Ont. | Liberal |
| Spivak, Mira | Manitoba | Winnipeg, Man. | Independent |
| Stollery, Peter Alan | Bloor and Yonge | Toronto, Ont. | Liberal |
| Stratton, Terrance R. | Red River | St. Norbert, Man. | Conservative |
| Tardif, Claudette | Alberta | Edmonton, Alta. | Liberal |
| Tkachuk, David | Saskatchewan | Saskatoon, Sask. | Conservative |
| Trenholme Counsell, Marilyn | New Brunswick | Sackville, N.B. | Liberal |
| Watt, Charlie | Inkerman | Kuujuuaq, Que. | Liberal |
| Zimmer, Rod A.A. | Manitoba | Winnipeg, Man. | Liberal |

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (April 17, 2007)

ONTARIO—24

| Senator | Designation | Post Office Address |
|--------------------------------|--------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Lowell Murray, P.C. | Pakenham | Ottawa |
| 2 Peter Alan Stollery | Bloor and Yonge | Toronto |
| 3 Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa |
| 4 Jeremiah S. Grafstein | Metro Toronto | Toronto |
| 5 Anne C. Cools | Toronto Centre-York | Toronto |
| 6 Colin Kenny | Rideau | Ottawa |
| 7 Norman K. Atkins | Markham | Toronto |
| 8 Consiglio Di Nino | Ontario | Downsview |
| 9 John Trevor Eyton | Ontario | Caledon |
| 10 Wilbert Joseph Keon | Ottawa | Ottawa |
| 11 Michael Arthur Meighen | St. Marys | Toronto |
| 12 Marjory LeBreton, P.C. | Ontario | Manotick |
| 13 Lorna Milne | Peel County | Brampton |
| 14 Marie-P. Poulin | Northern Ontario | Ottawa |
| 15 Francis William Mahovlich | Toronto | Toronto |
| 16 Vivienne Poy | Toronto | Toronto |
| 17 David P. Smith, P.C. | Cobourg | Toronto |
| 18 Mac Harb | Ontario | Ottawa |
| 19 Jim Munson | Ottawa/Rideau Canal | Ottawa |
| 20 Art Eggleton, P.C. | Ontario | Toronto |
| 21 Nancy Ruth | Cluny | Toronto |
| 22 Hugh Segal | Kingston-Frontenac-Leeds | Kingston |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|---------------------------------|-----------------|----------------------------|
| THE HONOURABLE | | |
| 1 Charlie Watt | Inkerman | Kuuujuaq |
| 2 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 3 Jean-Claude Rivest | Stadacona | Quebec |
| 4 Marcel Prud'homme, P.C. | La Salle | Montreal |
| 5 W. David Angus | Alma | Montreal |
| 6 Pierre Claude Nolin | De Salaberry | Quebec |
| 7 Lise Bacon | De la Durantaye | Laval |
| 8 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 9 Lucie Pépin | Shawinigan | Montreal |
| 10 Serge Joyal, P.C. | Kennebec | Montreal |
| 11 Joan Thorne Fraser | De Lorimier | Montreal |
| 12 Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue |
| 13 Jean Lapointe | Saurel | Magog |
| 14 Michel Biron | Milles Isles | Nicolet |
| 15 Raymond Lavigne | Montarville | Verdun |
| 16 Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire |
| 17 Roméo Antonius Dallaire | Gulf | Sainte-Foy |
| 18 Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe |
| 19 Dennis Dawson | Lauzon | Ste-Foy |
| 20 Yoine Goldstein | Rigaud | Montreal |
| 21 Francis Fox, P.C. | Victoria | Montreal |
| 22 Michael Fortier, P.C. | Rougemont | Town of Mount Royal |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------|--------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Gerald J. Comeau | Nova Scotia | Saulnierville |
| 2 Donald H. Oliver | Nova Scotia | Halifax |
| 3 Wilfred P. Moore | Stanhope St./South Shore | Chester |
| 4 Jane Cordy | Nova Scotia | Dartmouth |
| 5 Gerard A. Phalen | Nova Scotia | Glace Bay |
| 6 Terry M. Mercer | Northend Halifax | Caribou River |
| 7 James S. Cowan | Nova Scotia | Halifax |
| 8 | | |
| 9 | | |
| 10 | | |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|------------------------------------|--|-----------------------|
| THE HONOURABLE | | |
| 1 Eymard Georges Corbin | Grand-Sault | Grand-Sault |
| 2 Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton |
| 3 John G. Bryden | New Brunswick | Bayfield |
| 4 Rose-Marie Losier-Cool | Tracadie | Bathurst |
| 5 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 6 Joseph A. Day | Saint John-Kennebecasis, New Brunswick | Hampton |
| 7 Pierrette Ringuette | New Brunswick | Edmundston |
| 8 Marilyn Trenholme Counsell | New Brunswick | Sackville |
| 9 Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations |
| 10 | | |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------|----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 2 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 3 Percy Downe | Charlottetown | Charlottetown |
| 4 | | |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|----------------------------------|------------------------------|-------------|
| 1 Mira Spivak | Manitoba | Winnipeg |
| 2 Janis G. Johnson | Winnipeg-Interlake | Gimli |
| 3 Terrance R. Stratton | Red River | St. Norbert |
| 4 Sharon Carstairs, P.C. | Manitoba | Winnipeg |
| 5 Maria Chaput | Manitoba | Sainte-Anne |
| 6 Rod A.A. Zimmer | Manitoba | Winnipeg |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|-----------------------------------|--------------------------------------|-----------------|
| 1 Jack Austin, P.C. | Vancouver South | Vancouver |
| 2 Pat Carney, P.C. | British Columbia | Vancouver |
| 3 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 4 Ross Fitzpatrick | Okanagan-Similkameen | Kelowna |
| 5 Mobina S.B. Jaffer | British Columbia | North Vancouver |
| 6 Larry W. Campbell | British Columbia | Vancouver |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|-----------------------------------|------------------------|-----------|
| 1 A. Raynell Andreychuk | Saskatchewan | Regina |
| 2 Leonard J. Gustafson | Saskatchewan | Macoun |
| 3 David Tkachuk | Saskatchewan | Saskatoon |
| 4 Pana Merchant | Saskatchewan | Regina |
| 5 Robert W. Peterson | Saskatchewan | Regina |
| 6 Lillian Eva Dyck | Saskatchewan | Saskatoon |

ALBERTA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|---------------------------------|----------------------|------------|
| 1 Daniel Hays, P.C. | Calgary | Calgary |
| 2 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 Tommy Banks | Alberta | Edmonton |
| 4 Claudette Tardif | Alberta | Edmonton |
| 5 Grant Mitchell | Alberta | Edmonton |
| 6 Elaine McCoy | Alberta | Calgary |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|----------------------------|----------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 2 William H. Rompkey, P.C. | North West River, Labrador | North West River, Labrador |
| 3 Joan Cook | Newfoundland and Labrador | St. John's |
| 4 George Furey | Newfoundland and Labrador | St. John's |
| 5 George S. Baker, P.C. | Newfoundland and Labrador | Gander |
| 6 | | |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|---------------------|-----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|----------------|-------------|---------------------|
| THE HONOURABLE | | |
| 1 Willie Adams | Nunavut | Rankin Inlet |

YUKON—1

| Senator | Designation | Post Office Address |
|----------------|-------------|---------------------|
| THE HONOURABLE | | |
| 1 | | |

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of April 17, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

| | | | |
|------------|---------------------------------|-------------------|------------|
| Campbell, | * Hervieux-Payette (or Tardif), | Lovlace Nicholas, | Segal, |
| Dyck, | Hubley, | Peterson, | Sibbeston, |
| Gill, | * LeBreton (or Comeau), | St. Germain, | Watt. |
| Gustafson, | | | |

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau), Lovlace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

| | | | |
|------------|---------------------------------|-----------|--------------|
| Biron, | Gustafson, | Mahovich, | St. Germain, |
| Callbeck, | * Hervieux-Payette (or Tardif), | Mercer, | Segal, |
| Fairbairn, | * LeBreton (or Comeau), | Oliver, | Zimmer. |

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau), Mahovich, Mercer, Mitchell, Oliver, P  pin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

| | | | |
|--------------|---------------------------------|-------------------------|------------|
| Angus, | Goldstein, | * LeBreton (or Comeau), | Moore, |
| Biron, | Grafstein, | Massicotte, | Ringuette, |
| Eyton, | Harb, | Meighen, | Tkachuk. |
| Fitzpatrick, | * Hervieux-Payette (or Tardif), | | |

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

| | | | |
|-----------------------|------------|--------|------------|
| Andreychuk, Angus, | Carstairs, | Joyal, | Robichaud. |
|-----------------------|------------|--------|------------|

Original Members as nominated by the Committee of Selection

Andreychuk, Angus, Carstairs, Joyal, Robichaud.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

| | | | |
|---|---|--|-----------------------------------|
| Adams, Angus, Banks, Cochrane, | * Hervieux-Payette (or Tardif), Kenny, Lavigne, | * LeBreton (or Comeau), Milne, Mitchell, | Sibbeston, Spivak, Tkachuk. |
|---|---|--|-----------------------------------|

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

| | | | |
|--|--|---|---------------------------------|
| Adams, Baker, Campbell, Cochrane, | Comeau, Gill, * Hervieux-Payette (or Tardif), Hubley, | Johnson, * LeBreton (or Comeau), Meighen, | Robichaud, Rompkey, Watt. |
|--|--|---|---------------------------------|

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Stollery

Deputy Chair:

Honourable Senators:

| | | | |
|---------|---------------------------------|-------------------------|-----------|
| Banks, | De Bané, | * LeBreton (or Comeau), | Smith, |
| Corbin, | Downe, | Merchant, | Stollery. |
| Dawson, | * Hervieux-Payette (or Tardif), | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Fraser

Honourable Senators:

| | | | |
|-------------|---------------------------------|-------------------------|-------------|
| Andreychuk, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Nancy Ruth, |
| Dallaire, | Jaffer, | Lovelace Nicholas, | Poy. |
| Fraser, | Kinsella, | Munson, | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pénin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

| | | | |
|---------------------------------|-------------------------|-------------|-------------|
| Comeau, | Jaffer, | Massicotte, | Prud'homme, |
| Cook, | Kenny, | Nolin, | Robichaud, |
| Downe, | Kinsella, | Phalen, | Stollery, |
| Furey, | * LeBreton (or Comeau), | Poulin, | Stratton. |
| * Hervieux-Payette (or Tardif), | | | |

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon,
LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair:

Honourable Senators:

| | | | |
|-------------|---------------------------------|---------|------------|
| Andreychuk, | * Hervieux-Payette (or Tardif), | Nolin, | Robichaud, |
| Baker, | Jaffer, | Oliver, | Stratton, |
| Bryden, | Joyal, | Rivest, | Tardif. |
| Hays, | * LeBreton (or Comeau), | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

| | | | |
|-----------|---------|------|---------------------|
| Johnson, | Oliver, | Poy, | Trenholme Counsell. |
| Lapointe, | | | |

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

| | | | |
|-----------|---------------------------------|-------------|------------|
| Biron, | Fox, | Mitchell, | Ringuette, |
| Day, | * Hervieux-Payette (or Tardif), | Murray, | Rompkey, |
| Di Nino, | * LeBreton (or Comeau), | Nancy Ruth, | Stratton. |
| Eggleton, | | | |

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE**Chair: Honourable Senator Kenny****Deputy Chair: Honourable Senator Atkins****Honourable Senators:**

| | | | |
|---------|---------------------------------|-------------------------|---------|
| Atkins, | Day, | Kenny, | Moore, |
| Banks, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Zimmer. |

Original Members as nominated by the Committee of Selection

*Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS**(Subcommittee of National Security and Defence)****Chair: Honourable Senator Day****Deputy Chair: Honourable Senator Atkins****Honourable Senators:**

| | | | |
|---------|---------------------------------|--------|-------------------------|
| Atkins, | * Hervieux-Payette (or Tardif), | Kenny, | * LeBreton (or Comeau). |
| Day, | | | |

OFFICIAL LANGUAGES**Chair: Honourable Senator Chaput****Deputy Chair:****Honourable Senators:**

| | | | |
|---------|---------------------------------|-------------------------|---------------------|
| Chaput, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Tardif, |
| Comeau, | Jaffer, | Losier-Cool, | Trenholme Counsell. |
| Cowan, | Keon, | Murray, | |

Original Members as nominated by the Committee of Selection

*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

| | | | |
|-------------|---------------------------------|-------------------------|------------|
| Andreychuk, | Fraser, | Keon, | Robichaud, |
| Bryden, | Hays, | * LeBreton (or Comeau), | Smith, |
| Corbin, | * Hervieux-Payette (or Tardif), | Losier-Cool, | Stratton, |
| Cordy, | Joyal, | McCoy, | Tardif. |
| Di Nino, | | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

| | | | |
|---------|----------|--------|--------------|
| Biron, | De Bané, | Harb, | Nolin, |
| Bryden, | Eyton, | Moore, | St. Germain. |

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cowan

Honourable Senators:

| | | | |
|------------|------------|---------------------------------|-----------|
| Bacon, | Cowan, | * Hervieux-Payette (or Tardif), | Stratton, |
| Carstairs, | Fairbairn, | * LeBreton (or Comeau), | Tkachuk. |
| Champagne, | Hays, | Oliver, | |

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Keon

Honourable Senators:

| | | | |
|------------|---------------------------------|-------------------------|---------------------|
| Callbeck, | Cordy, | Keon, | Nancy Ruth, |
| Champagne, | Eggleton, | * LeBreton (or Comeau), | Pépin, |
| Cochrane, | Fairbairn, | Munson, | Trenholme Counsell. |
| Cook, | * Hervieux-Payette (or Tardif), | | |

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrester,
*Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

CITIES

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

| | | | |
|-----------|-------------------------------|-------------------------|---------------------|
| Champagne | Eggleton, | * LeBreton (or Comeau), | Nancy Ruth, |
| Cordy, | Hervieux-Payette (or Tardif), | Munson, | Trenholme Counsell. |

POPULATION HEALTH

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Keon

Deputy Chair: Honourable Senator Pépin

Honourable Senators:

| | | | |
|-----------|------------|---------------------------------|-------------------------|
| Callbeck, | Cook, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), |
| Cochrane, | Fairbairn, | Keon, | Pépin. |

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

| | | | |
|---------|---------------------------------|-------------------------|----------|
| Adams, | Eyton, | * LeBreton (or Comeau), | Phalen, |
| Bacon, | Fox, | Merchant, | Tkachuk, |
| Carney, | * Hervieux-Payette (or Tardif), | Munson, | Zimmer. |
| Dawson, | Johnson, | | |

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

SPECIAL SENATE COMMITTEE ON AGING**Chair: Honourable Senator Carstairs****Deputy Chair: Honourable Senator Keon****Honourable Senators:**

| | | | |
|------------|---------------------------------|-------------------------|---------|
| Carstairs, | Cordy, | Keon, | Mercer, |
| Chaput, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Murray, |

Original Members as nominated by the Committee of Selection

*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**

| | | | |
|-------------|---------------------------------|-------------------------|--------|
| Andreychuk, | Fraser, | Joyal, | Nolin, |
| Day, | * Hervieux-Payette (or Tardif), | Kinsella, | Smith. |
| Fairbairn, | Jaffer, | * LeBreton (or Comeau), | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal, Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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VOLUME 143

•

NUMBER 86

OFFICIAL REPORT
(HANSARD)

Wednesday, April 18, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, April 18, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

ANNUAL CANADIAN CONFERENCE ON WAIT TIMES

Hon. Wilbert J. Keon: Honourable senators, on April 4 and 5, I attended the annual Canadian conference on wait times called the Taming of the Queue. This fourth annual conference was indeed an interesting exercise. In addition to learning of the pan-Canadian experience, we were brought up-to-date with the experience in the national health services in the U.K., Sweden, Australia and New Zealand.

I was impressed that the discussion of the meeting had changed from the previous three meetings. Previously, there was considerable discussion whether, in fact, we could establish and control appropriate wait times for medical treatment. This time, the atmosphere was "how to." How can progressive countries learn from each other and how can each province and territory within Canada learn from the other provinces and territories?

• (1335)

The meeting was addressed at lunch by the Prime Minister who acknowledged the work of the Standing Senate Committee on Social Affairs, Science and Technology chaired by Senator Kirby and deputy chair, Senator LeBreton, who recommended the establishment of care guarantees in Canada.

The Prime Minister announced the federal government now has buy-in from all provinces, and Minister Clement has been able to achieve a working process with each of them.

The most gratifying thing about the meeting was the fact that tremendous progress has been made for wait-time guarantees, especially since the federal government has committed to them. Several provinces are already meeting or surpassing the benchmarks for wait times in cancer and cardiac care. Enormous progress has been made in cataract surgery and orthopaedic procedures. The conference will be held again next year, led by the Canadian Medical Association with the other nine associations who sponsor it, and we look forward to more gratifying progress.

NATIONAL VOLUNTEER WEEK

Hon. Catherine S. Callbeck: Honourable senators, April 15 to 21 marks National Volunteer Week in Canada. This event is an annual celebration of the enthusiasm and commitment of Canadian volunteers. National Volunteer Week began in 1943 as a way to honour the contributions of women during the Second World War. Over the years, the nature of the celebration has grown, but its original vision of recognizing those who selflessly give their time and services to help others has been maintained.

This year's theme is "Volunteers Grow Community," and this theme is absolutely true. Volunteers play an essential role in our communities. They enrich our lives and ensure the delivery of a large number of programs and services. In fact, approximately 12 million Canadians volunteer their time and energy in one way or another. These dedicated people across the country contribute 2 billion volunteer hours every year.

Today, I want to recognize and honour a special group of volunteers from my home province. Two weeks ago, Prince Edward Island presented its Fourth Annual Volunteer Recognition Awards to eight dedicated Islanders. Individual awards were given to Garnet Buell of Murray River, Rikki Schock of South Pinette, Almeda Thibodeau of Fortune Cove, and Gladys Dirani, Judy MacLean and Ken Roper, all of Charlottetown. A joint award was also presented to Tonya Gray and Shelley Morrison both from Charlottetown.

These Islanders have given much of themselves to their communities and to their province. I would like to offer my warmest congratulations and thanks to these Islanders.

I also want to thank all other volunteers across the country for their commitment, generosity of spirit and tremendous hard work. Every individual volunteer makes a difference in the lives of others. We all benefit from their contributions.

Honourable senators, please join with me today to recognize and celebrate Canada's volunteers for their hard work and dedication to their communities and to their country by sharing their time, talents and enthusiasm. They truly grow our Canadian communities.

THE LATE RONALD J. HANSON

Hon. Wilfred P. Moore: Honourable senators, on Friday March 23, 2007, the city of Halifax lost one of our most respected and devoted sons, Ronald J. Hanson. Affectionately known as "Butch," he worked for Maritime Tel & Tel for 33 years before retiring in 1990. He was elected alderman for ward eight in 1974 and he continued to serve his constituents and city unselfishly until 1999 when he resigned due to illness.

During those 25 years, he also served as deputy mayor and acting mayor of his hometown. A gifted athlete, especially in football and baseball, he gave his time coaching minor hockey teams. Perhaps his most cherished task while on city council was his service as one of only two alderman who sat as founding directors of Halifax Metro Centre. As a lifelong sportsman, he understood the need and value of such a facility. As a forward-thinking councillor, he saw the economic benefit that such a facility would bring to his city.

Ron Hanson was a man of faith, with strong family values and a deep sense of giving back to his community. He and his wife, Sandra, were a real team. We extend to Sandra and their children, Pam, Krista, Ron, Scott and Shawn, our sincere sympathy and we thank them for sharing Butch with us. Ronald Hanson was a lifelong pal of mine, and he will be missed by a host of friends.

• (1340)

THE HONOURABLE DR. WILBERT J. KEON, O.C.

CONGRATULATIONS ON INDUCTION INTO CANADIAN MEDICAL HALL OF FAME

Hon. David Tkachuk: Honourable senators, I rise today to celebrate one of our own. On March 1, 2007, the Canadian Medical Hall of Fame announced five new inductees, one being our colleague, Dr. Wilbert J. Keon. It is worth noting in full what the Canadian Medical Hall of Fame had to say about Senator Keon in its announcement. I quote the CMHF press release:

As a charismatic leader, surgeon, educator, investigator and more recently a Senator, Dr. Keon is known both nationally and internationally for his work in cardiology and cardiac surgery. Clearly a builder, Dr. Keon turned a unique and obscure dream into a magnificent reality by founding the University of Ottawa's Heart Institute. From the beginning under his leadership, this highly-specialized cardiac institution has dedicated 50 per cent of its space to research and discovery contributing to modern prevention and treatment of coronary artery disease. In addition to numerous awards, Dr. Keon is an Officer of the Order of Canada (1984).

That just about says it all, but I should like to add that few professionals are more revered in our society than the medical doctor and, among them, none more respected than the heart surgeon. Even in this august company, Senator Keon has long been considered one of the world's most pre-eminent medical practitioners. Senator Keon's quiet and unassuming manner belies a man of rare and, indeed, awe-inspiring accomplishments. It is no wonder that his words on health issues in Canada are so highly respected. I would ask honourable senators to join me in congratulating Dr. Keon.

Hon. Senators: Hear, hear!

SASKATCHEWAN

UNIVERSITY OF SASKATCHEWAN—INDIGENOUS PEOPLES RESOURCE MANAGEMENT PROGRAM

Hon. Lillian Eva Dyck: Honourable senators, on March 28, 2007, Convocation Hall at the University of Saskatchewan was the scene of a graduation ceremony for 23 students of the new Indigenous Peoples Resource Management Program. This program was designed and delivered by the College of Agriculture and Bioresources in consultation with the National Aboriginal Land Managers Association and with funding provided by Indian Affairs and Northern Development Canada.

In his address at the graduation ceremony, the President of the University of Saskatchewan, Peter MacKinnon, recognized that these students were the first graduates of the Indigenous Peoples Resource Management Program and that they were also the first graduates of the University of Saskatchewan in its centennial year. He also noted that the Indigenous Peoples Resource Management Program is the first of its kind.

Ms. Marilyn Poitras, Director of the Indigenous Peoples Resource Management Program, says that the program drew

students from across Canada with seven of 10 provinces represented in this first student cohort. This year marked a clear beginning for the University of Saskatchewan as a leader internationally in recognizing this profession through academic programming.

• (1345)

The program provides land managers with university-level training to examine basic environmental, legal and economic aspects of land and resource management.

The students who graduated from the program came from diverse backgrounds. They represented First Nations from across Canada, and their experience ranged from individuals beginning their careers in land management to those with 30 years of experience. The program was a special challenge for the students because it required that they manage their full-time jobs and family responsibilities along with the academic demands of their jobs.

The Indigenous Peoples Resource Management Program was structured on an executive training model. To complete the program requirements, the students came to the University of Saskatchewan campus three separate times over a period of eight months. Each trip to the campus involved two weeks of intensive lecture, laboratory and field-based learning. When they returned home each time, they had eight weeks of follow-up assignments.

The successful students received a certificate of proficiency upon completion of the six required classes. An exciting development will occur next year when a partnership with the University of Laval will allow the program to be offered in French.

The Indigenous Peoples Resource Management Program has recognized a profession within First Nations that is as old as human existence, and which reflects the importance of environmental resource issues for all Canadians.

Honourable senators, let me conclude by saying, let us all congratulate the first graduates of the Indigenous Peoples Resource Management Program and the University of Saskatchewan for being the first to offer such an important certificate program.

CHARTER OF RIGHTS AND FREEDOMS

TWENTY-FIFTH ANNIVERSARY

Hon. Mobina S.B. Jaffer: Honourable senators, yesterday Canadians celebrated the twenty-fifth anniversary of the Canadian Charter of Rights and Freedoms.

The Charter is a treasured document and a source of pride for all Canadians because it is more than words on a piece of paper. It is a living document that has grown over the last 25 years to include groups that might otherwise have fallen through the cracks, and to protect our legal and democratic rights and the rights of our minority language communities.

With the help of the Charter, we were able to protect gay and lesbian Canadians from violence and discrimination, and win the rights to full spousal benefits in their relationships. Sikh Canadians were able to win their fight to be allowed to serve as

members of the Royal Canadian Mounted Police without having to abandon their religious dress. French language communities were able to fight for their rights, including winning the fight to keep the Montfort Hospital in Ottawa open to serve their community.

However, even as we reflect on what we have accomplished, this anniversary should be important in reminding us of how much more is left to do. We cannot now take the Charter for granted. Canadians and the Canadian government must stay involved so that we can continue to achieve more and keep our existing rights from eroding.

To ensure that the Charter continues to live and grow, the new Canadian government must continue to provide the resources to protect and maintain it. The Court Challenges Program, which provided resources for Canadians to go to court to defend their constitutional rights, was an important part of this protection until it was cancelled under the new Canadian government.

I urge the new Canadian government to listen to Canadians who want to continue to become an integral part of our community, to help the Canadian Charter of Rights and Freedoms and to restore these programs immediately. Only in this way can we assure that our rights continue to grow and evolve, and that our Charter continues to be more than words on a piece of paper.

Honourable senators, the Charter is a document of hope for all Canadians. After 9/11, Canadians knew that the government and the authorities could not breach their rights. The Charter is not a document of the past to be placed in the archives. It is a beacon of hope for all Canadians to protect their future rights.

• (1350)

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, April 18, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FOURTH REPORT

Pursuant to Rule 86(1)(f)(i), your Committee is pleased to report as follows:

1. In a ruling given on October 26, 2006, dealing with the process for raising questions of privilege, the Speaker noted three aspects of the Senate's procedures which could be clarified. First, he considered the level of detail required in the written and oral notices to raise a

question of privilege under Rule 43 and concluded that the notice should clearly identify the issues that will be raised as a question of privilege. Second, the Speaker invited your Committee to examine the apparent inconsistency of Rules 43 and 59(10) insofar as the two provisions deal with the notice required for questions of privilege. Third, the Speaker invited your Committee to examine ways in which the rules might more clearly delineate the beginning and end of the Routine of Business, as under Rule 23(1), questions of privilege and points of order cannot be raised during the Routine of Business or during Question Period.

2. On March 20, 2007, your Committee heard from Mr. Charles Robert, Principal Clerk, Chamber and Procedure Office, Senate of Canada.
3. After reviewing the Speaker's ruling, and examining the issue, your Committee believes that the following amendments should be made to the *Rules of the Senate*:

- With respect to the written notice to be given by a senator wishing to raise a question of privilege, your Committee agrees that the notice should provide some detail so as to give senators an indication of the subject of the general nature of the issue to be raised. Accordingly, amendments are proposed to sections 3, 4, and 7 of Rule 43.

- Rule 59(10) allows a question of privilege to be raised without notice. As the Speaker explained, this Rule is linked to the pre-1991 provisions of the *Rules of the Senate* and should have been reviewed as a consequence of the amendments that were adopted at that time. The idea behind Rule 59(10) should be maintained to allow matters that occur during a sitting of the Senate to be dealt with. Nevertheless, your Committee believes that it would be helpful to move this provision and link it more directly to the other provisions relating to questions of privilege and to clarify how they relate to one another. Accordingly, a new section to Rule 43 is proposed.

- The Speaker noted in his ruling of October 2006 that Rule 23(1) prohibits points of order or questions of privilege during either the Routine of Business or Question Period. A careful reading of Rule 23(6), however, indicates that Senators' Statements are, in fact, not part of Routine of Business, as it provides that the Routine of Business is a distinct category of business called after Senators' Statements. The intent behind this Rule is that the regular business of the Senate at the beginning of each sitting, whose time is limited, should not be interrupted. Your Committee agrees that the prohibition on points of order should apply to Senators' Statements as well, and an appropriate amendment to the Rules is proposed.
4. These proposed amendments lead to a number of consequential changes to the *Rules of the Senate*.

Your Committee recommends that the *Rules of the Senate* be amended as follows:

(1) That section (1) of Rule 23 be replaced with the following:

Consideration of questions of privilege and points of order

23. (1) During proceedings of the Senate taking place before Orders of the Day, including Senators' Statements, Routine of Business, Question Period and Delayed Answers, it shall not be in order to raise a point of order. Any point of order in respect to any proceeding shall be raised either at the time the Speaker announces Orders of the Day or, in relation to any notice given during the Routine of Business, when the Order is called for consideration by the Senate.

(2) That sections (3), (4), (7), and (10) of Rule 43 be replaced with the following:

Written notice

(3) Subject to section (3.1) below, a Senator wishing to raise a question of privilege shall, at least three hours before the Senate meets for the transaction of business, give a written notice of such question to the Clerk of the Senate, provided that the written notice shall clearly identify the subject matter that will be raised as a question of privilege.

Exception - Proceedings in Chamber

(3.1) With respect to a question of privilege arising out of proceedings in the Chamber during the course of a sitting, a Senator has the option of either raising it immediately without written notice or giving written notice in accordance with sections (3) and (4).

Notice for Friday

(4) Notwithstanding section (3) above, a Senator wishing to raise a question of privilege on a Friday shall, at not later than 6:00 o'clock p.m. on the immediately preceding Thursday, give a written notice of such question to the Clerk of the Senate clearly identifying the subject matter that will be raised as a question of privilege.

Oral notice

(7) A Senator having given a notice, in accordance with section (3) or (4) above, shall be recognized during the time provided for the consideration of "Senators' Statements", for the purpose of giving oral notice of the question of privilege. In doing so, the Senator shall clearly identify the subject matter that will be raised as a question of privilege and shall indicate that he or she is prepared to move a motion either calling upon the Senate to take action in relation to the matter complained of or referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Order of consideration

(10) The order in which the notices were received under sections (3), (3.1) or (4), as the case may be, shall determine the order of consideration of questions of privilege.

(3) That section 10 of Rule 59 be deleted and that current sections 11 to 18 be renumbered as 10 to 17.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

RAILWAY CONTINUATION BILL, 2007

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-46, to provide for the resumption and continuation of railway operations.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading later this day.

[Translation]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF GOVERNMENT POLLING— APPOINTMENT OF DANIEL PAILLÉ

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Minister of Public Works and Government Services, Mr. Fortier. Last week, you announced that you had authorized the use of public funds to go on a witch hunt regarding polling contracts awarded by a previous administration, something that the Auditor General has already looked into and found no problems with.

Moreover, you have mandated Daniel Paillé, a former separatist minister in the PQ government, a government actively seeking to break up our country, to lead this inquiry.

Could you tell me why you think that a former minister of a government intent on destroying Canada is qualified to conduct this inquiry?

Hon. Michael Fortier (Minister of Public Works and Government Services): For one thing, I should point out that I do not recall announcing a witch hunt; those are your words. What I did announce was our delivering on an election promise made during the 2005-06 election campaign. This promise stemmed from the analysis by the Auditor General in 2003 of samples of public opinion polling contracts awarded by the Government of Canada. I encourage you to read her report; she was particularly concerned with some of her findings.

In 2005-06, we stated in a very transparent way that, if elected, we would ask an independent adviser to review the whole matter, going back as far as 1990, and that is exactly what we have done.

• (1355)

Senator Tardif: Does the honourable minister really believe that Daniel Paillé is qualified to conduct this investigation, considering that he proposed a capital investment program for business startups in Quebec that cost taxpayers \$408.2 million, in 2002 dollars, and that only one business out of four survived?

Senator Fortier: I know that, for you and for some of your colleagues, the fact that Mr. Paillé does not hold a Liberal Party of Canada membership card disqualifies him from any appointment, and automatically so, as my colleague is whispering to me. That is not the case. Since taking office, our government has made numerous appointments that are absolutely not partisan appointments, including that of Mr. Paillé. I invite you to take a look at his resumé. He has an impeccable academic and professional profile. I believe that, on our side, a consensus is emerging. We are very pleased to have someone as qualified as Mr. Paillé to assist the government in this important task.

Hon. Dennis Dawson: Honourable senators, my question is for the Minister of Public Works and Government Services. He stressed that Mr. Paillé is an independent fact finder. Is he independent or is he “indépendantiste”? Is this the same Daniel Paillé who, writing in *Le Soleil* even before the 1994 election, warned brokerage firms that his government would only do business with those that did not get involved in the referendum debate?

Does the honourable minister really believe that Mr. Paillé is qualified, or is he just following the old saying that “The enemy of my enemy is my friend”, by giving him one million dollars to engage in petty politics and in a witch hunt?

Senator Fortier: First, let us get the facts straight. This is not a witch hunt. If there are any witches to be found, then you know things that we are not aware of. I do not know where the figure of one million dollars comes from. During the press conference, I was very specific when I said that the costs of this review would be well under one million dollars. The money paid to Mr. Paillé will represent a portion of the total costs involved. Let us not exaggerate here.

Senator Dawson does not accept the fact that Mr. Paillé has the necessary qualifications. He is one of the most prominent professors at the École des hautes Études Commerciales, but because that institution is not in Quebec City, it holds no weight with you.

Mr. Paillé is highly regarded by the business community in Montreal. I invite Senator Dawson to look beyond his little circle in Quebec City and talk to people outside his little circle of federal Liberal friends. He will find out that Mr. Paillé has friends throughout Quebec, and we are very proud that he has agreed to take on this job.

Senator Dawson: I am surprised that, after being recognized by Laval University as one of the most distinguished graduates from the Quebec City area, Senator Fortier can so easily deny his roots there.

That said, is this the same Daniel Paillé who, a few years ago, opposed a day care centre near his home, in a letter that he sent to the municipal government in Montreal on his department's letterhead, and who later had to publicly apologize in the National Assembly for what he had done? If it is political judgement you are seeking, if this is the kind of person you are looking for, whether independent or “indépendantiste”, I can tell you that you are demonstrating your own questionable political judgement.

Earlier, Senator Tardif mentioned a program where 75 per cent of the projects that had been approved did not survive the first year. If this is the sort of political judgment coming out of the HEC and this is what the minister is talking about, then I think he should see whether perhaps there is not another Daniel Paillé.

Senator Fortier: Honourable senators, we need to be serious. I am in no way denying my roots. I am very proud of where I come from. But I again invite Senator Dawson to look beyond his little clique of federal Liberals and take a more objective view of people who have not necessarily been active in his party. That also goes for me and others on this side of the chamber. We have not asked Mr. Paillé to look at a system of day care centres across Canada. We have asked him to review public opinion research contracts awarded from 1990 to 2003.

When I look at his profile, I see that he is very well qualified. I invite you to read André Pratt's editorial in *La Presse*, which confirmed that Mr. Paillé is well qualified for this position.

• (1400)

Senator Dawson: Mr. Minister, if you love the island of Montreal so much, perhaps you could run for election there, or run in Vaudreuil. The same Mr. Paillé, however, has been associated with a government that was promoting sovereignty. And last week, when asked, he did not deny that fact, and yet you allowed this man to see our strategic data on how the federal government believes it should handle issues concerning the aspirations of a former Quebec political party towards sovereignty. I understand that your intention was to attack what you call “the Liberals”, but quite frankly, you were attacking not only the Liberal Party, but the institution of the Government of Canada. You are giving our adversaries access to information that could one day mean — and perhaps you will no longer be here to talk about it — that we will be forced to take up the battle against people who have more information on us than we have on them.

Senator Fortier: I do not share your concerns at all. You know, I am surprised by how little you seem to know about Quebec society. There have been two referendums in Quebec — not one,

but two. I have a sister who voted "yes" in one of the referendums. Does that mean that I cannot speak to her? Does that make her someone who can never receive a federal government mandate, because she voted "yes" in one of the referendums? Fifty per cent of the Quebec population voted "yes" in 1995 and 40 per cent, in 1981.

Wake up, Senator Dawson. Quebec society is not divided between federalists and sovereignists. It has changed a great deal. Unfortunately, you have been on the old federal Liberal Party train, which is why you are now left behind, out in the sticks.

[English]

Hon. Grant Mitchell: Honourable senators, the minister mentioned that we should take it into consideration that Mr. Paillé probably has a lot of friends outside the Liberal circle. We know that he has friends. What we want to know is: How good a friend is the minister?

In light of the concerns raised over the conflict of interest in this minister's letting of the contract to CGI, could the minister confirm today that he has no personal relationship, no business relationship or no other form of conflict of interest that would explain why he would be driven to hire this person — Mr. Paillé, of dubious competence — to do a job that has already been done perfectly well by the Auditor General of Canada, whom we all know is eminently competent?

Senator Fortier: Honourable senators, I can confirm for the Honourable Senator Mitchell that Mr. Paillé was chosen for both his competencies and his professional profile. If the honourable senator's would have been half as good as his, we may have considered him. Unfortunately, that was not the case, and I have not seen that change since I have been around here.

If the honourable senator has any allegations to make about either Mr. Paillé's character or mine with respect to either this project or CGI, I invite him to say the same thing outside this chamber.

Senator Mitchell: Now that the minister has clearly expressed a good deal of doubt in the competence of the Auditor General of Canada, and given that he has appointed this person to redo a job that she did perfectly well three years ago, is the minister and/or his government saying that she could well end up in the same situation as have the Chief Electoral Officer and both the Senate Ethics Officer and the House of Commons Ethics Commissioner? Is the minister questioning the Auditor General's competence?

Senator Fortier: Not at all, honourable senators. As a matter of fact, we were quite grateful to her for having raised this matter. She indicated clearly — and I invite my honourable friend to read those portions of her report — that she only looked at a sample of the contracts. We were clear during the election and we were elected. We won; you lost. Therefore, we are appointing this independent person to look at all of these contracts going back to 1990. If the Liberal folks who were there between 1993 and 2003 have nothing to fear, then why get as excited as the honourable senator is right now?

Senator Mitchell: If the Auditor General has already done the background work, would it not be more efficient, less expensive and more reasonable to ask her to go back and do more

work? She is the expert; she has the competence. The minister has all the faith in her, but she is not a separatist and she is not incompetent.

Senator Fortier: I reiterate: We are not saying that the Auditor General is incompetent. We are saying that we will complete the review. She did a sampling of these contracts, and we want to review all of them. That is the difference.

JUSTICE

RIGHT HONOURABLE BRIAN MULRONEY— CASE OF ALLEGED BRIBES AND KICKBACKS

Hon. Terry M. Mercer: Honourable senators, perhaps I could help because it seems that both Senator Mitchell and Senator Dawson have missed the point.

• (1405)

Senator Dawson was quick to point out that Mr. Paillé was against having a day care centre across the street from him. That is why he has this study. These people are against having day care centres anywhere in the country, so he fits in nicely with them. That is where his friendship comes from. Let us do the linkage here.

Honourable senators, I am truly amazed at what I have heard here today. Only yesterday, the Leader of the Government in the Senate mused that the decision to move Canadian Coast Guard vessels to Newfoundland from Nova Scotia was not politically motivated. I am shocked. It seems simple to me that Canada's "growing-old" government has no MPs in the Halifax-Dartmouth area and three MPs in Newfoundland where the ships are going.

Today, we hear of the investigation ostensibly into the Liberal Party. Canada's growing-old government is using taxpayers' money to employ a separatist to open old files. If it walks like a rat, talks like a rat and smells like a rat, it is probably a rat.

Since the Conservatives appear to be willing to open old files, I will make the leader an offer: Why not open up the Airbus inquiry? I will make an offer to the Leader of the Government in the Senate that, since Mr. Paillé's qualifications are so lax and have been called into question by so many people, I would be more than willing to offer my services for free to investigate the Airbus affair and former Prime Minister Brian Mulroney's involvement. Will the Leader of the Government in the Senate agree that it is only fair since they are so keen on examining the past?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): That question and rant of Senator Mercer does not even warrant an answer. As we know, the case to which he refers was fully investigated by the RCMP.

Senator Mercer: That gives the leader warm, fuzzy feelings, does it not?

Senator LeBreton: It was under the honourable senator's government, by the way. Senator Mercer is being typically Liberal, mixing apples and oranges. The fact is, as Senator Fortier has said, and as I said yesterday, in terms of this particular issue, it was a commitment we made during the election campaign. There was a great deal of concern about the Auditor General's

report into these contracts. We made a commitment, and the Minister of Public Works and Government Services, in his capacity as Minister of Public Works, is a member of the government fulfilling that commitment.

Senator Mercer: One word that the Minister of Public Works used was “transparent.” This government loves to talk about transparency, and then it throws down a veil so there is no transparency.

I expected the answer, and I am left wondering what Canada’s growing-old government is afraid of when it comes to the Airbus affair.

Even this government, under Minister Toews, was involved in starting an investigation or review of the \$2 million settlement that was given to Mr. Mulroney, but it was cancelled earlier this year. In opposition, current ministers of the Crown, including the incompetent Peter MacKay and the Minister of Agriculture and Agri-Food, Chuck Strahl, called for an inquiry into the handling of the affair. They were looking for transparency. They are now silent on the matter as well.

What are the Conservatives afraid of? It may seem so, but I am not implying there is anything wrong with Mr. Mulroney’s involvement. However, it is hard to ignore the facts that I have repeatedly told this chamber. Now, even Karlheinz Schreiber, Prime Minister Mulroney’s old buddy, is suing him for failure to provide services for the \$300,000 that Mr. Schreiber paid Mr. Mulroney.

Since the current government’s efforts to explore old files is no different from what I and many Canadians across the country are wondering about with respect to the Airbus affair, would the Leader of the Government in the Senate agree that an inquiry would clear the air on this matter?

• (1410)

Senator LeBreton: Unfortunately, honourable senators, this is what Senator Mercer is into. This particular case that he mentions has been investigated. Letters have been placed on the record. The RCMP wrote to Mr. Mulroney. The document is public. Every aspect of everything around Airbus was investigated, including work that Mr. Mulroney performed after leaving the office of Prime Minister. As I said in my answer to Senator Mercer, if Karlheinz Schreiber was not satisfied with the work, at least now he acknowledges that he and Mr. Mulroney’s business relationship after he left the Prime Minister’s office was a legitimate business arrangement.

PUBLIC WORKS AND GOVERNMENT SERVICES

AWARDING OF CONTRACT TO CGI GROUP INC.— POSSIBLE CONFLICT OF INTEREST

Hon. James S. Cowan: My question is for the Minister of Public Works and Government Services. Over the past few days the press has been full of reports that the minister will soon sign a \$400 million contract that will benefit CGI, a company in which the minister holds or did hold shares. The minister was even listed as the primary investment banker when his employer, Credit Suisse, underwrote a share offering by CGI that raised more than \$330 million.

The new code of conduct for procurement set out in the government’s much lauded accountability act provides that a member of the government should avoid any situation of conflict, real, apparent or potential.

Will the minister confirm to us that he does not intend to dismiss his own ethics rules and sign the contract before the Public Service Integrity Officer has had a full opportunity to investigate this obvious conflict of interest?

Hon. Michael Fortier (Minister of Public Works and Government Services): I am interested in how the honourable senator would define an obvious conflict of interest. Obviously the honourable senator does not understand the first thing about either a conflict of interest or having had a career before coming here. I give the honourable senator the benefit of the doubt that perhaps he is playing partisan politics here.

I have said clearly that I have not been involved directly or indirectly in the awarding of this contract or any other one. If the honourable senator has a contrary view, I invite him to say so outside this room, and I look forward to the honourable senator saying that outside this room.

Senator Cowan: The words in your act, minister, are, “real, apparent or potential.” I suggest to the minister that he may be the only person in this country who does not think that the press reports in the public now and the facts acknowledged constitute at least a potential or apparent conflict of interest.

Some Hon. Senators: Hear, hear.

Senator Cowan: Will the minister confirm in this house today that he has fully complied with all the disclosure requirements applicable to him as a senator and as a minister of the Crown, and he has and will continue to recuse himself from any involvement in the procurement and awarding of this contract?

Senator Fortier: I have complied with every single rule and regulation involving conflicts of interest. I will continue managing the department in accordance with those rules and regulations, and I will not recuse myself from any situation unless told to by the Ethics Commissioner. A few weeks after I was sworn in, ministers met with the Ethics Commissioner. For those of us who had a career before we came here, we were told that we could carry on our business as long as we declared shares that we owned. Mine were in a blind trust. The honourable senator’s colleagues were talking about a witch hunt earlier. This is exactly what he is doing. I have nothing to do with these contracts. Senior bureaucrats handle these matters.

Again, if you have anything to say to the contrary, I would like you to take your smiling face out there and say it in public. Go now.

Senator Cowan: Sounds like we hit a bit of a sore point.

Senator Fortier: That is right. Go now.

Senator Cowan: You do not want to be here, go home.

Senator Fortier: Go now. Come on. Go now.

Senator Bryden: He never loses his cool.

PUBLIC SAFETY

ELECTION PROMISE TO INCREASE POLICE PRESENCE

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate. During the last election campaign, the Conservative government committed to investing in front-line law enforcement personnel, which included negotiating a cost-sharing agreement with the provinces to put, and I quote, "at least 2500 more police on the beat in our cities and communities."

• (1415)

Here we are, approximately a year and a half and two budgets later, and yet the formal process for the federal-provincial agreement has not even started. In fact, the Canadian Association of Police Boards, the Canadian Association of Chiefs of Police and the Canadian Police Association have all said that the minister will not even return their phone calls.

When does the government intend to carry through on this election promise?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The government has already, through the Minister of Public Safety, put money aside to increase our police presence. With regard to the statements just referred to by the honourable senator, I shall take her question as notice.

[Translation]

FIREARMS CENTRE—HAND GUN REGULATIONS

Hon. Francis Fox: Honourable senators, my question has to do with the firearms registry and it is for the Leader of the Government in the Senate. As the minister knows, until recently, handguns had to be registered in the firearms registry. However, since the current government came to power, you have decided to no longer enforce significant parts of the firearms registration legislation. For example, you declared an amnesty for those who do not register their firearms and are therefore in non-compliance with the firearms registration legislation. Recently, during the Easter break, you decided to extend this amnesty, which the Canadian Police Association denounced in Ottawa yesterday.

Can the minister tell us whether, in light of recent tragic events, the government would be prepared to reconsider its position, which seems to be characterized by a lax attitude toward the enforcement of the legislation?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Obviously, the horrific events of the past few days bring the issue of guns and the safety of citizens to the forefront.

The strongest gun control legislation in the history of our country was brought in by the previous Conservative government under Brian Mulroney. The guns that were used to commit these crimes in the United States are banned, illegal guns in this country. The gun registry is in place. The only question here concerns long guns. One must go through a rigorous process to

obtain a gun in this country, including long guns. The question here is the registry of the long guns.

Indeed, to obtain the type of gun used in the tragedy in the United States — except for target shooters, and they are much more restricted; — one must wait a long time and submit himself or herself to background checks. In this country, the amnesty was simply to deal with the long-gun registry, which guns, as we know, are primarily owned by hunters and farmers.

[Translation]

Senator Fox: Honourable senators, I have a supplementary. I would like to point out to the minister that my question stems from the serious concerns of Canadian society. These concerns are reflected in all the newspapers across the country, by all the editorial writers and also by politicians. For example, in his press release yesterday on the terrible tragedy at Virginia Tech, Premier Charest said:

This incredibly violent incident reminds us of the importance of having stricter measures for firearms.

• (1420)

I also note that the Attorney General of Ontario, Mr. Bryant, who is responsible for the application of the Criminal Code in his province, also decries the government's decision:

[English]

The Harper government releases information about the extension of the gun amnesty on Easter weekend, like they were hiding an Easter egg.

[Translation]

I would like you to pass on these comments to your colleagues and tell them that it is more important to Canadians to be reassured on the issue of gun control than to receive condolences following tragic events.

[English]

Senator LeBreton: Of course, the operative word in the question is "handguns," and those particular guns are banned in Canada. Strict gun laws were established by our government to ban those handguns. After the Montreal tragedy, more measures were brought in to restrict the number of bullets in a particular clip. Needless to say, we have strong gun laws in this country.

Unfortunately — and I think my honourable friend referred to them as the political class — people like to mix up the issue of our strict and strong gun laws and our own government's efforts to strengthen penalties for individuals who use firearms to commit crimes with the issue of long guns, which are used by hunters and farmers. However, our government is committed to ensuring that all firearms owners comply with the laws of Canada. Budget 2007 allocated \$14.2 million to enhance the screening of 20,000 new firearms licence applicants to help prevent firearms from ending up in the wrong hands.

Unfortunately, we have seen tragedies similar to the one in the United States occur in this country as well. In fact, we had an incident many years ago right here in Ottawa on Fisher Avenue at St. Pius X school, involving a young man who had been in the

military. These horrific events happen and are horrible. I cannot imagine what it is like to be a parent of those children or anyone who has children in university having to deal with the prospect of such a thing happening and with their children feeling that they are not safe.

We do know that the guns used in this crime in the United States are banned in Canada. The only way they will ever be in the hands of Canadians is if they are illegally used or smuggled into this country. We are trying to put strong laws in place to punish people who use such firearms in the commission of a crime.

With regard to the long gun registry, we know that it cost \$2 billion and did not work. Needless to say, the guns of the long gun registry are in a completely different category to the ones used in the commission of this horrific crime.

FINANCE

REVIEW OF COST OF FOREIGN ACQUISITIONS

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for the Leader of the Government in the Senate. She will recall that on March 21, shortly after the budget was announced, I raised the question with her about the failure of the government to understand in the budget the situation of removing deductibility for Canadian companies, a decision that puts Canadian companies at a competitive disadvantage. The leader promised me at the time that she would look into the question and take it as notice.

Since that time, I was pleased to read in the papers yesterday that the Minister of Finance has taken the problem seriously and is re-examining this issue. Could the Leader of the Government in the Senate give us assurance that the government will move swiftly to correct this important economic issue that places Canadian companies at a competitive disadvantage by allowing foreign countries to have a better opportunity to swoop up Canadian companies in Canada?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I did take the question as notice and sent it over to the Department of Finance. As the honourable senator rightly states, the Minister of Finance has said that he will review this matter. I will ascertain when we can expect an answer to the original question, and then I will add the concerns that Senator Grafstein has expressed today.

• (1425)

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATURAL RESOURCES—ASBESTOS INDUSTRY

Hon. Gerald J. Comeau (Deputy Leader of the Government): tabled the answer to Question No. 20 on the Order Paper—by Senator Spivak.

[Senator LeBreton]

DEMOCRATIC REFORM— MICRO LOANS FOR WOMEN ENTREPRENEURS

Hon. Gerald J. Comeau (Deputy Leader of the Government): tabled the answer to Question No. 29 on the Order Paper—by Senator Callbeck.

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised in the Senate by Senator Dallaire, on March 27, 2007, regarding the Aboriginal Healing Foundation.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CULTURE AND GENERAL APPROACH OF DEPARTMENT

(Response to question raised by Hon. Roméo A. Dallaire on March 27, 2007)

This Government remains committed to a fair and lasting resolution to the legacy of Indian Residential Schools, and recognizes the importance of bringing resolution to this tragic legacy in order to move forward in partnership with Aboriginal people.

The Government continues to make progress, in partnership with Aboriginal communities across the country, towards the implementation of the Indian Residential Schools Settlement Agreement which received final Court Approval on March 21, 2007. Now, former students and their families must choose whether to stay in the agreement or remove themselves (opt-out) from it. This historic agreement will be a source of healing and reconciliation among former students, their families, and all Canadians.

The Settlement Agreement provides for the Aboriginal Healing Foundation (AHF) to receive an endowment of \$125M on the Implementation Date of the Agreement. Departmental officials are working on options to bridge the gap in funding to the AHF and we are confident that a solution can be found to ensure that the important work of the AHF continues as we move toward the implementation phase of the Settlement Agreement.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that, when we proceed to Government Business, the items shall be called in the following sequence: Motion No. 1 standing in my name, followed by debate at second reading of Bill C-46, and then all other items under Government Business as they appear on the Order Paper.

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING
AND AUTHORIZE COMMITTEES
TO MEET DURING THE SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government):
pursuant to notice of April 17, 2007, moved:

That, notwithstanding the Order adopted by the Senate on April 6, 2006, when the Senate sits on Wednesday, April 18, 2007, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1).

That committees of the Senate scheduled to meet on Wednesday, April 18, 2007 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

MOTION IN AMENDMENT

Hon. Claudette Tardif (Deputy Leader of the Opposition):
Honourable senators, I would like to move an amendment.

That the motion be amended by replacing the second paragraph with the following:

That the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Transport and Communications scheduled to meet on Wednesday, April 18, 2007 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Motion agreed to

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the main motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Motion agreed to on division.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government):
Honourable senators, with leave of the Senate, I would ask that the Speaker not see the clock at 6 p.m. and that rule 13.1 be suspended.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Motion agreed to.

• (1430)

[English]

RAILWAY CONTINUATION BILL, 2007

SECOND READING

Hon. Gerald J. Comeau (Deputy Leader of the Government),
moved second reading of Bill C-46, to provide for the resumption and continuation of railway operations.

He said: Honourable senators, our labour laws allow a balance between rights of parties to collective bargaining, using strikes and lockouts as tools, and if parties cannot reach an agreement over a reasonable time frame and their actions inflict major harm on the economy, then it is our duty as parliamentarians to intervene. We have now reached that point.

Canada is a country that was built on trade. One of the key reasons why our economy thrives is because we are efficient at moving goods and people across vast distances. We had to do it as a result of our geography. We became one of the best in the world at this.

This capability and capacity is what attracts investors here. It helps ensure that Canadian businesses can operate their factories, shops, mills and other manufacturing facilities effectively.

The economic health of our country is threatened once again. The labour strike of CN Rail workers looms large over the land and our industrial base.

Last week, the majority of United Transportation Union, UTU, members rejected the settlement offered by their employer, CN Rail. CN Rail workers have since resumed strike action engaging in what I call, rotating withdrawals of services.

There are good reasons why the Government of Canada must take action to address this labour dispute. I would like to take a moment to share with you the reasons why. I would like to do this by highlighting the risk and impacts.

Earlier this year, we saw firsthand how devastating labour shortages can be in the transportation sector, even for a few weeks. In a matter of days, the dispute started to inflict serious hardships on our economy. It hurt businesses, affecting their ability to transport their products to market. It affected consumers and their access to everyday commodities. It came close to affecting the ability of millions to commute to work.

In Ontario in particular, the labour shortage struck hard on a range of industries. Their products and goods were no longer moving as they should across this country. Because of these factors, this dispute put Canadian workers at risk as well. People who had never asked to be involved in this fight were caught in the middle of it, nevertheless, and it threatened their ability to earn their livelihood.

Let me share examples of how deeply the strike was felt across the country and how it could be felt again if we do not act in the coming days.

Worker layoffs began in Ontario plants and industries in short order and these layoffs were at factories of all sizes, from those in the hundreds to those that employed workers in the thousands. Businesses had no choice. Their goods were not moving as they should.

In the automotive sector, workers were sent home because they could not get the materials they needed to assemble their vehicles. Ford Canada shut down its assembly plant in St. Thomas Ontario and workers were placed on short shifts. Smaller businesses felt the pinch too. A particle-board mill in Northern Ontario was faced with having to shut down temporarily because they had eight rail cars full of product waiting to be shipped out. Not a single train moved that inventory until CN workers were back on the job.

Chemical producers meanwhile had to cut their manufacturing capacity because they could not transport their goods to consumers. Like everybody else, they had no choice. They acted to protect their businesses, and with good reasons. Chemical producers estimated if the strike lasted another 30 days, their costs would have skyrocketed to between \$15 million and \$20 million.

The Minister of Transport received letters of concern from a long list of industry associations calling on their government to take action. This list included the Canadian Manufacturers and Exporters Association, the Canadian Industrial Transportation Association, the Canadian Chemical Producers' Association, the Automotive Parts Manufacturers' Association and the Ontario Agri Business Association.

Canada's new government is getting things done for farmers, manufacturers and many other industries that rely on the rail system.

Statistics Canada recently assessed the impact on the Canadian trade surplus as almost \$1 billion as a result of the February shortages. Imagine what we could do with that \$1 billion lost. That is \$33 million a day due to loss and work stoppages in February, almost \$1.4 million an hour.

According to reports in the *Edmonton Sun*, exports of industrial goods slumped 9 per cent, and auto shipments tumbled 5.1 per cent. The already battered forestry products sector suffered the single largest monthly decline. The two-week strike in February cost grain farmers an estimated \$5 million to \$8 million in net demurrage; that is, late loading fees.

More than 20 ships were waiting at Vancouver and Prince Rupert ports, and eight of these ships have been waiting so long for the Canadian Wheat Board grain they are now paying \$300,000 a day in demurrage fees.

The union members had rejected by 80 per cent, the negotiated settlement reached by their own union leadership. After the agreement was rejected, the leadership called for rotating strikes across the country. The regional unions publicly rejected the strike action and decided to stay on the job in Halifax, London, Ontario and Sarnia. The disconnect between the union leadership and members has impeded the bargaining process. Without legislation, uncertainly would undermine confidence in the Canadian rail system for manufacturers, farmers, forest workers, as well as our trading partners around the world.

One of the most vocal groups calling for quick passage of the Bill C-46 has been the Canadian Wheat Board and Saskatchewan grain farmers. Senator Tkachuk would be happy to hear that the Saskatchewan grain farmers have been pushing for this bill.

Honourable senators, I have shared with you a few examples of who has been and continues to be hit by this strike. The examples illustrate how vital Canada's transportation sector is to our economy.

We learned from the strike that unless we act quickly, the impact of labour shortages grows quickly in size and in scope. That is why the government is making it clear once again that it will act quickly to protect the Canadian economy, workers and industry. The government worked on both sides of the bargaining table to get the job done but this work has failed. The government therefore has no other option than to move with back-to-work legislation. It is not the government's preferred choice of action. The government remains committed to the collective bargaining process, but it also wants to make clear to both CN Rail and the union representing striking workers, Canada will not allow work stoppages to inflict more serious damage on our economy. That is why I urge all senators that we proceed this afternoon with Bill C-46 in an expeditious way. I understand the minister will appear before the committee of the whole. We will be able to question him on what action he may proceed with in the future. I recommend we proceed as expeditiously as possible.

• (1440)

Hon. Tommy Banks: Honourable senators, I am from the West, and anyone living in the West knows, as I do, that the West grew up with the railway. Although from time to time we might hate the people who own the railways, we love the people who run them. Senator Comeau has outlined correctly the present circumstance.

I am torn with respect to Bill C-46, but I will vote for it. I am torn because I am a member of two labour unions; I understand what labour unions do and what happens when things get in the way of the bargaining process. However, this bill is not the result of things getting in the way of the bargaining process. Rather, the bill before us is the result of a longstanding dispute.

As Senator Comeau said, the situation seemed to be resolved in February when the government introduced back-to-work legislation, which it did not enact. In light of that, a tentative agreement was arrived at but, unfortunately, on March 26 the members voted against it.

Also, as Senator Comeau said, railway operations in this country are essential services — particularly in the region of the country in which I live. Everyone would prefer a negotiated agreement, but when that does not seem possible, as in the present case, and when a disaster is imminent, as in the present case, measures must be taken to protect the national economy and the national interest.

So that all honourable senators understand the nature of the vote, Bill C-46 has the effect of extending indefinitely, until certain things happen, the labour agreement that was in place at December 31, 2006. Hence, there will be an agreement in place, and that agreement will be extended until a new agreement is reached. The bill prohibits lockouts by the employer or strikes by

the employees during the course of this process and authorizes the Minister of Labour to appoint an arbitrator to bring about a new agreement. Bill C-46 provides that if the railways and the union arrive at a new agreement before the arbitrator brings down a decision, then the arbitrator's duties cease and are nullified.

The process of arbitration set out in the bill is interesting and much admired. The first time I heard of a similar process was in Australia. The arbitrator receives from each party — the employer and the employees — in respect of those matters on which they do not agree an envelope containing each party's last best offer. The arbitrator will select one or the other of those proposals in respect of each of the outstanding issues on which there is disagreement. In my experience in such matters, arbitrators do not like to modify those last best offers or positions but rather prefer to select one or the other. The effect of that is that, whereas the two parties were miles apart prior to arbitration, in order not to be seen to be unreasonable and in order to make it more likely that a particular party's offer will be the solution selected by the arbitrator, the parties often come closer in their demands and, at times, their positions might even overlap.

No one likes imposed labour agreements — employers and unions alike — but there are larger interests, to which Senator Comeau has referred, that must be taken into account. For example, in the absence of an agreement, a raid could take place by another union. That cannot happen when an agreement is in place, which Bill C-46 achieves. In the long-term interests of the workers, the railroads, the agriculture and forestry industries, the resource industries, the auto industries, and in the interests of Canada, regretfully we must pass this proposed legislation. I urge honourable senators to pass Bill C-46.

Hon. Leonard J. Gustafson: Honourable senators, I wish to make a short intervention on the urgency of this bill, because farmers are ready to seed and the products they use — seed, fertilizer, et cetera — are delivered by rail. There could not be a worse time for a strike. As well, the movement of grain is extremely important. If farmers miss several cars of shipped grain, it is difficult to make that up. We must keep the grain moving, especially since farmers over the past few years have been plagued by other serious problems. This type of event always seems to happen at peak times, as it is happening now.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

CONSIDERATION IN COMMITTEE OF THE WHOLE

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that the bill be referred to the Committee of the Whole now.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole on the bill, the Honourable Rose-Marie Losier-Cool in the chair.

• (1520)

The Chairman: Honourable senators, the Senate is now in Committee of the Whole on Bill C-46, to provide for the resumption and continuation of railway operations.

[Translation]

Honourable senators, Senate rule 83 states that:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Honourable senators, is it your pleasure to suspend rule 83?

Hon. Senators: Agreed.

The Chairman: Motion agreed to.

Pursuant to rule 21 of the *Rules of the Senate*, the Honourable Jean-Pierre Blackburn, Minister of Labour, was escorted to a seat in the Senate Chamber.

The Chairman: Honourable senators, on your behalf I am pleased to welcome the Minister of Labour, the honourable Jean-Pierre Blackburn, and his officials. Mr. Minister, do you wish to make some preliminary remarks?

The Hon. Jean-Pierre Blackburn (Minister of Labour): Madame Chairman, thank you. Don Clark and Ginette Brazeau are here from my department today.

I must say that I am not sure if I should give my speech or if I should simply get to the point. I would like to give some background to the tabling of Bill C-46 in the House of Commons. There is a dispute between two labour organizations, including the Canadian United Transportation Union which reports to the American union.

Along the way, there have been discussions between the parties dating as far back as September 2006. Conciliation and mediation services were used. All of a sudden, a strike was declared, and at that point Canadian National asked the Canada Industrial Relations Board if this strike had been legally declared by the Canadian union, since in CN's opinion, only the American union was able to declare such a strike.

The matter was in the hands of the Canada Industrial Relations Board for a number of days, and when the time came for the parties' lawyers to give their arguments concerning the legality of the strike, the American union refused to recognize the Canadian union's representative, a lawyer, as its representative. The Canada Industrial Relations Board decided to give the union's lawyer five days to prepare. All the while, the strike went on for five more days.

As minister, I was in the position of having to wait for the Canada Industrial Relations Board's much-anticipated decision. Meanwhile, the Canadian economy was suffering a lot because of this. We have had complaints from farmers, grain producers and, in Western Canada, from ports and other parties. A number of ships — as many as 14 as things stand — have been held up at the Port of Vancouver. Ship owners have been paying fines of up to \$300,000 per day because they have been unable to pick up their merchandise, and on it goes.

On Monday night, when the Canada Industrial Relations Board that heard the parties was expected to deliver a decision, I was told that there was no guarantee the decision would be handed down that night. That brought the duration of the job action to 13 or 14 days. I decided that we had waited for the decision long enough. I called the president of the Canadian union and Canadian National to tell them that things had gone on long enough, that we could wait no longer, and that they had a few hours to reach an agreement, or the government would step in. The president of the Canadian union told me that his union had more or less been fired. They were no longer the union representatives authorized to speak on behalf of the United Transportation Union. I was referred to another person, and I told that person the same thing.

The next day, or the day after that, we tabled our notice of motion. Then, moments before we tabled Bill C-46 in the House of Commons for first reading, I was asked not to table the bill because they were about to reach an agreement. I refused because we had to act. Things had gone on long enough. There was nothing preventing the parties from reaching an agreement later even if we tabled our bill for first reading. That is what we did. We tabled it, and within 36 hours, they reached an agreement.

In the presence of our mediators, an agreement was signed by the parties and was to be submitted for ratification by the employees of Canadian National. After that, the workers decided to go back to work. This gesture was very much appreciated. They decided to go back to work the very next day. It was good for our economy because, as I have mentioned, Canada cannot function without its rail service. When there is a strike, no matter where, as soon as one area is not in operation, there are repercussions everywhere. We were very happy to see it resolved, and we were awaiting the much talked about vote. To our surprise or disappointment — although I can hardly say disappointment, since it is their right — they rejected it. There were concerns about our economy, nonetheless, since they were again talking about rotating strikes. We said very clearly and publicly that we would not take any chances with that. We could not allow the situation to deteriorate.

Subsequently, the following Saturday, the parties talked. It became apparent that it was going to be impossible to reach an agreement. The parties were too far apart from one another, and the dispute between the American union and the Canadian union was having an impact. How great was that impact? The workers can speak for themselves.

From there, given the many demands from the port, chemical, oil and gas, and forestry sectors, we had to act. This was the case across Canada. We received calls and letters, asking us to bring forward legislation, because rotating strikes can be devastating. As I said, if there is a rotating strike in one area, in one province, it will have repercussions not only in that province, but across Canada.

• (1530)

That is why we tabled this bill. Now I would like to explain the motivating factors.

Is it mean of the government to want to adopt a bill like this, or is the government simply shouldering its responsibility? I believe that we are shouldering our responsibility. As soon as you, the members of the Senate, pass this bill, they will have to return to work or face the fines applicable in this kind of situation.

There are two really interesting aspects to our bill. First, we will appoint an arbitrator, who will have three months to talk about this with the parties and see if they can reach an agreement. If the parties do not reach an agreement within three months, the areas in which they have come to an agreement will stand, but for the areas in which they have not, the arbitrator will ask the union and Canadian National to submit proposals. The arbitrator will not look for a compromise between the two but will choose one or the other, solution A or solution B.

Neither party will want to have the other party's solution selected instead of its own. Therefore, we believe that, given the seriousness of the dispute between the parties, this will force the employer and the union — Canadian National and the United Transportation Union — to find a solution to the conflict.

Furthermore, clauses 13 and 14 of our bill clearly indicate that nothing prevents the parties from reaching an agreement. If they agree, their agreement stands. But we want to put a stop to these disturbances in the Canadian economy. We cannot keep worrying about this. Businesses need their goods. Remote regions need food and essential services. The ports have to keep operating.

Do you know that Part I of the Canada Labour Code defines as essential services those that relate to threats to human life and public health? The reality is that rail transportation is an essential service. The system does not work without trains.

That is why we drafted this bill, and now we are here to ask you to ratify it. I think it makes sense and it is the right thing to do.

I support balance between the two parties and it is my responsibility, as Minister of Labour, to ensure that both parties are in a position to negotiate. However, in this context, it is clear that this is not possible, so we have to step in.

I am ready to answer questions.

[English]

The Chairman: Thank you, Mr. Minister. If your officials wish to add something or contribute to the answers they may do so.

I will now open my list to senators who wish to add questions.

Senator Gustafson: Does the minister have any indication of the amount of demurrage costs to the agriculture business?

[Translation]

Mr. Blackburn: For the agricultural sector, we are talking about US \$300,000. But as far as the Canadian economy as a whole is concerned, Statistics Canada reported that, in February, our

exports were \$1 billion lower than they should normally have been. This drop is for the most part a result of the strike at Canadian National Railway. One billion dollars: that is what it has cost the Canadian economy.

[English]

Senator Gustafson: Does the minister know what percentage of the railroad's movement is grain? What percentage of their total movement is grain movement?

[Translation]

Mr. Blackburn: I wish I had a specific answer to give you in response to your question, but it is so specific, in connection with a specific area, that I do not have that kind of information at hand.

But let me tell you that my colleagues in the House of Commons have been telling me that farmers were so pleased with our passing this legislation that they would not stop thanking our members for taking their responsibilities as parliamentarians. You may even have noticed that we also had the support of the Liberal Party, the official opposition.

I think that everyone could see clearly that, to the extent that there does not appear to be any short term solution, we cannot just leave our economy vulnerable. It was in that context that we introduced this bill in the House of Commons yesterday, and voted on it late last night.

Senator Ringuette: Minister, in your opening remarks, you indicated that the arbitrator selected by your department will have three months to speak with the parties.

However, I do not find any mention in the bill of that period of three months. Could you tell me where it is mentioned?

Mr. Blackburn: The 90 day period is mentioned in clause 11(1).

11. (1) Subject to section 13, within 90 days after being appointed, or within any greater period that may be specified by the Minister, the arbitrator shall

(a) determine the matters on which the employer and the union were in agreement as of the date specified for the purposes of paragraph 10(1)(a);

(b) determine the matters remaining in dispute on that date;

(c) select, in order to resolve the matters remaining in dispute, either the final offer submitted by the employer or the final offer submitted by the union;

(d) make a decision in respect of the resolution of the matters referred to in this subsection and send a copy of the decision to the employer and the union; and

(e) forward a copy of the decision to the Minister.

It is the Minister of Labour who selects the arbitrator here. However, we felt it wise to contact the parties to see whether they

had an arbitrator, or whether they could agree on one. If the parties could agree on this issue, we would, of course, be receptive to their suggestion. Otherwise, on Monday, we will immediately proceed to ensure that things move forward.

Senator Ringuette: Are you confirming to us, if I read clause 11 properly, that, within three months after this bill is passed and, of course, an arbitrator is appointed, the whole process of the two parties discussing the issues still under dispute and submitting them to the arbitrator, and the decision made by the arbitrator, which will be the basis of the new collective agreement, will be completed?

Mr. Blackburn: From the moment an arbitrator is appointed, he has this period of 90 days, unless the minister decides to extend it for reasons which, right now, remain unknown to me. Of course, it is our wish that the parties come to an agreement.

After 90 days, the arbitrator will basically ask the two parties what they agree on. If, for example, the parties agree on 90 per cent of the issues discussed, this will be part of the agreement. As for the 10 per cent that remain under dispute, the arbitrator will ask both parties to submit a proposal, and he will then choose between A or B, for the matters that remain under dispute.

But where an agreement is reached, that agreement will be accepted by the arbitrator.

Senator Ringuette: So, you are answering my question by saying that, yes, the whole process will be completed within 90 days?

• (1540)

Mr. Blackburn: As I mentioned, once the arbitrator is appointed, there is a 90-day period, although the minister may decide, at his discretion, to extend this period. Naturally, we would do that in a situation where everyone agrees to an extension of a few days. But the legislation states 90 days.

[English]

Senator Di Nino: Welcome, minister. You gave us an indication of the loss of export opportunities because of the strike and the cost to our economy. Could you share with us the impact that the strike has had on the economy as a whole? Perhaps you may have specific segments that you would like to highlight, for instance the industrial base in southern Ontario, which is the area that I come from.

[Translation]

Mr. Blackburn: I mentioned earlier that Statistics Canada reported that our exports, usually \$5 billion per month, were only \$4 billion in February. The estimated \$1 billion loss in Canadian exports crossed various sectors of economic activity, with our exports tallied by sector at the end of each month.

Just yesterday, or the day before, we received 70 telephone calls from various companies asking us to legislate and not to wait, and we have also received many letters from businesses.

I will give you examples from the 14-day strike: Ford had to cut shifts at plants in Ontario because it did not have supplies; two potash mines had to close in Saskatchewan; 14 ships were immobilized in port in Vancouver; the forestry sector, even in my region of Saguenay-Lac-Saint-Jean, called on us to take action.

So it was spread out across the country, among farmers and grain producers, and others. The problems were spread quite widely through each of the provinces in Canada. This is why we are wondering how much time we must wait and let our economy falter during rotating strikes. Should we wait five days when things are not going well? 12 days? 32 days? At some point we will have to act. This is why we said that there had been 14 days of strikes, which caused a great deal of harm, and moreover, we were stuck in this dispute between the American union and its Canadian counterpart. This dispute is what caused the delay with the Canada Industrial Relations Board. The Board had to hear the parties before making a decision.

Nevertheless, despite the bill, there is nothing stopping the two parties from saying that they have reached an agreement an hour from now. The law is there to ensure that no rotating strikes, or any kind of strikes, threaten the various sectors of our industry and our economic activity, and to ensure that everything runs smoothly.

It was obvious yesterday in the vote in the House of Commons: 195 members voted for, and 71 against. We almost set a record yesterday for adopting special legislation in such a short period of time — even if we in the House found the process quite long. That gives an idea of how well the legislation was received.

Also, I must point out that normally with special legislation, there are protests in Ottawa asking the government not to adopt this law or that law. This was not the case. Our Parliament had the good sense to say that, in the best interests of our country, we had to take action.

[English]

Senator Di Nino: My supplementary question deals with something you touched upon and that is the ripple effect that this kind of action will have on the economy as it deals with the individuals involved, the people. We have begun to see a loss of employment across the economy as a direct result of this particular strike; is that correct, Mr. Minister?

[Translation]

Mr. Blackburn: No, that is not exactly the case. Here in Ontario, for example, Ford cut shifts because it could not receive goods. If you are manufacturing cars and you have no bolts, you cannot go any further.

Farmers were very hard hit. In the forestry sector, an estimated 1,300 jobs were lost. Everyone was holding their breath and telling themselves that the strike would be settled soon. But it had to end at some point.

It was the dispute between the two unions that caused the 14-day delay. In 1999, the Canada Labour Code was updated. But in fact, this is the first time since 1997 that special legislation has been passed, because Part I of the Canada Labour Code works well. It strikes a balance and allows employers to use replacement

workers in the event of a strike, but not to undermine the union's representational capacity. If the union believes that the workers want to undermine the union's representational capacity, it can go before the Canada Industrial Relations Board, which will deal with the issue immediately. Of the 19 applications that have been brought before the Board, 13 have been deemed inadmissible and three have been denied. The Board is considering the remaining three cases. The legislation works well at present, but it is always a question of balance. If the union is extremely strong and can paralyze the economy, that has to stop somewhere, because it upsets the balance. On the other hand, if the employer holds all the cards and is too powerful for the union, that also upsets the balance.

That is why we feel that the current legislation, Part I of the Canada Labour Code, is a good balance. But, unfortunately, situations like this do arise.

In 2004, the Canada Industrial Relations Board had to determine whether Canadian National was an essential service. And the Canada Industrial Relations Board determined that it was not. Under the legislation, only when public health or someone's life is threatened does this become an essential service. The Board deemed this was not the case.

If Bill C-257, tabled by the Bloc Québécois and banning the use of replacement workers, had had force of law on February 24, roughly when the parties reached an agreement in principle, the employees would not have been able to go back to work. It would have taken two months to get everyone to vote and only when the result of the vote was known, if it were in favour, could they have gone back to work. Can you imagine two months without train service in Canada?

We can appreciate the principles and the fine policies, but we have to consider their impact on everyday life, on your life and on the lives of those we represent. We are here to serve the public. We are here to do what, in our wisdom, it takes to keep our economy going and to see that employees get their salary, which is very important to them. If they are caught up in a dispute and powerless, then Parliament must take action and that is what we did.

• (1550)

[English]

Senator Banks: Mr. Minister, welcome to this side of the bar. We have seen you on the other side of the bar occasionally. We are glad that you are on this side. I hope you will tell your colleagues what a pleasure it was to be in a place where everyone is actually listening to you, where people have the time required to ask a full question and you are given the full time to answer. I hope you enjoy that.

Several amendments were made to the bill last night, I believe. I understand that clause 2 was amended, adding the B.C. Rail agreement, because there is another railway involved. The second amendment made to clause 2 — and this agreement as originally drafted contemplated the United Transportation Union — has added the words:

... or any other trade union certified by the Canada Industrial Relations Board to represent the employees.

[Mr. Blackburn]

What circumstance is contemplated that made that amendment necessary?

[Translation]

Mr. Blackburn: Senator Banks' question is a good one. When drafting a bill, we do so in light of the situation at hand while taking into account what might happen in the future.

While drafting this bill, we realized that although BC Rail, a subsidiary of CN, was at the negotiating table, we had not included it. In the event of an agreement with CN that did not include BC Rail, there could have been a lockout at the latter. That is why we wanted to ensure that it would be a party to the agreement.

The reason we decided to say "or any other trade union" is that the Teamsters are currently before the Canada Industrial Relations Board wanting to be recognized as the United Transportation Union's representative. We do not yet know what the Canada Industrial Relations Board will decide in this matter, but we want to ensure that the bill will apply regardless of which union speaks for the United Transportation Union. That is why we included the provision: for protection in any foreseeable situation.

[English]

Senator Banks: With respect to that question, minister, I have been operating under a misimpression. I thought that the labour law of this country did not permit union raiding while a labour agreement was in place and valid, and while people were working under it. You have said, I think, that the Teamsters have moved to become the representative of the workers while an agreement was in place. Have I misunderstood the law or you?

[Translation]

Mr. Blackburn: The Canada Labour Code states that a raiding period is allowed. That is the issue currently before the Canada Industrial Relations Board, which must decide whether the Teamsters can be recognized as the United Transportation Union's representative.

We do not know what the outcome of this issue will be, but if this were to happen, they would be covered by Bill C-46. We must ensure that there are no lockouts or rotating strikes of any kind by any union. Fines are set at \$1,000 per day for individual employees, with fines of \$50,000 per day for union officials and \$100,000 per day for the union or the employer.

[English]

Clause 11 of the bill describes the arbitration process in which the arbitrator will select, in respect of those matters on which there are still differences, one or the other of the final positions of the union and the employees, replete with wording that can be put into an agreement.

Proposed subsection (d), after it describes the arbitrator selecting one or the other of those positions, reads that the arbitrator will "make a decision in respect of the resolution of the matters referred to. . ."

Is it the case that the arbitrator is bound to put either the position that he selects from the union or the position that he selects from the employer into the agreement and it then becomes part of the agreement per se, or does the arbitrator have the authority to modify either of those positions? In the classic application of this model, the arbitrator must pick one or the other and may not modify either of them, which often leads to convergence.

Does this bill permit the arbitrator to modify either of those last stated positions?

[Translation]

Mr. Blackburn: The part of this bill that I am most proud of is the proposal concerning the final offer. Traditionally, in a labour dispute, an arbitrator listens to party A and party B and looks at the issues they agree on. When the parties do not agree on certain issues, often the arbitrator will take a position that represents a compromise between them.

Under the circumstances and given what is at stake, I believe that the final offer is a very good proposal. Allow me to describe again how it will work. The parties must negotiate, and they have three months to do so. They negotiate and agree on a certain number of issues that will be covered in the collective agreement.

When the parties do not agree on certain issues, the arbitrator will ask each party to make a final offer. The arbitrator will not compromise between the two offers, but will choose either A or B. If the arbitrator chooses B, that is what will go into the collective agreement, along with the issues the parties agreed on in their discussions. The final offer will force the parties to find a solution, because each party will be afraid the other party's position will prevail. That is human nature. We believe that this will force them to reach an agreement. At least, that is our hope.

This government and the current Minister of Labour would have preferred not to legislate, but in view of what is at stake, we had no choice. Even with the legislation, the parties can still reach an agreement.

[English]

Senator Day: I would like first to follow up on clause 11, because it is still not clear to me why clause 11(d) is necessary. If you look at clause 11(1), the arbitrator in the 90 days will, in (b), determine the matters, and in (c), select. That resolves everything: the matters agreed to, the matters not agreed to, and then he will select between the two. Why do we come down to a (d) and make a decision, since the arbitrator has already selected and determined? Perhaps the answer, and maybe you could help me with this, is that to make a decision is something that is needed by virtue of existing legislation; making a decision is something different from selecting and determining. Could you help us with that?

[Translation]

Mr. Blackburn: Allow me to clarify. The parties negotiate and agree on 90 issues out of 100. For the remaining 10 issues, the arbitrator suggests that the parties make a proposal and then selects A or B. The arbitrator does not take three issues from A and seven from B. Once he has the proposals in front of him, he makes a decision and sends me a copy. The proposal he chooses will form part of the collective agreement and bind the parties.

• (1600)

That is what is interesting and positive about this bill. Besides, this has already been done, in 1994, and it proved to be beneficial.

Senator Day: Mr. Minister, a decision has already been made. If you would look at the other clauses, determine the matters and make a selection. Why hand down a ruling after all the decisions have already been made? That is what I do not understand.

Mr. Blackburn: If you like, we will go over this section. Indeed, I believe it is the key point, in addition to the fines set out in this bill.

11. (1) Subject to section 13, within 90 days after being appointed, or within any greater period that may be specified by the Minister, the arbitrator shall

(a) determine the matters on which the employer and the union were in agreement as of the date specified for the purposes of paragraph 10(1)(a);

(b) determine the matters remaining in dispute on that date;

He is at the end of his 90 days and is saying, "Here are the points on which they disagree". Then, he selects, in order to resolve the matters remaining in dispute, either the final offer submitted by the employer or the final offer submitted by the union. He then has to decide which one he will take.

Senator Day: He decides between the two?

Mr. Blackburn: That is right. Then, he submits a decision in writing.

Senator Day: He writes his decision afterwards?

Mr. Blackburn: And he sends a copy to both parties.

Senator Day: The decision has already been made, but it will be submitted in writing.

My second question has to do with clauses 6 and 8 of the bill. If I understand clause 6 correctly, it means that, with this bill, existing collective agreements will be extended until another collective agreement can be created by clause 11 and the arbitrator. Thus, the existing collective agreements will be extended.

Clause 8 provides that the minister shall appoint an arbitrator, but that arbitrator could be appointed in ten days, two years or five years. There is no set timeframe. This means that existing collective agreements will be extended until the beginning of the 90 day period provided under clause 11, after the arbitrator is appointed. Why did you not set a time limit to appoint an arbitrator in this bill?

Mr. Blackburn: I think you will understand that the government cannot play games; this is not a game. The fact is that we have already undertaken discussions with the parties, to identify an arbitrator who could be acceptable to both sides. If there is no agreement on the selection of this arbitrator, we will

proceed, as early as this Monday, to appoint an arbitrator who will launch the process under the 90 day period.

In the meantime, the collective agreement continues to apply, precisely until an agreement is reached by the parties. Let us not forget that, if there was a strike right now, none of this would apply. Employees know that they will continue to get paid and they will continue to work, while businesses know that they will continue to get their raw materials. They know that we are a reliable country. They know that the goods will be delivered and exported. Canada has always been recognized as a reliable country by the international community.

So, again, an arbitrator will be appointed as early as this Monday. If we did not do that publicly, it is easy to imagine that we would experience problems. We cannot play that game.

Senator Day: I have another short question. As regards the agreement, can you give us the assurance that this action will be taken within a period of time to appoint an arbitrator? There is an imbalance here. It is not a good thing that unions know the collective agreement will be extended and that the government will not appoint an arbitrator at the earliest opportunity.

Mr. Blackburn: I should point out for the benefit of all the members of this assembly that, when we want to select an arbitrator, we sometimes take a list of ten people. We contact the first person: he is not interested. We call the second one: he would be in a conflict of interest situation and cannot take the job. It is not always easy to immediately find someone. Representations are already being made. Some potential candidates have been identified by the government. However, we have decided not to act immediately. We have started looking around and we have identified a number of people. However, we have decided not to make a move yet, but instead to first check with the union and Canadian National to see whether they already have an arbitrator that would be acceptable to both sides. If that is the case, we want to know who that person is and cooperate. I can assure you that we will take action on Monday.

Senator Dallaire: Mr. Minister, welcome to our humble abode. I hope you are not too annoyed about coming to a place where your colleague, the Minister of Public Works, said the people who work there are not up to much. We are trying our best to fulfill our constitutional role, and we hope this is not a waste of your time.

In your preamble about the purpose of the bill, I did not hear in your arguments anything about national security. I will give you two examples. First, we are in the middle of flooding season and we know that in Winnipeg there was a major flood a few years ago that required a significant deployment of members of the armed forces and much of their equipment. The railway was used intensively at the time. The possibility of such a scenario requires having provisions in place in order to respond to the emergency.

Second, on the flip side, we have troops deployed overseas. They need supplies and training. A number of training centres are in western Canada. Some equipment, armoured vehicles for example, can only be deployed by train. Is that not reason enough to consider the scope of the risk from the standpoint of national security and support for the troops? It would justify having a resolute bill; could that not be included in the arguments?

Mr. Blackburn: I would like to begin by making a comment about the Senate. When I was a young boy of five, my grandfather was the mayor of Chambord, a small municipality in Saguenay-Lac Saint-Jean. Whenever he saw me he would address me as Mr. Minister. I am not sure what impression I made with the way I dressed. When I was in my thirties and I was president of the Regroupement des centres villes du Québec, my colleagues around the table called me Senator. I do not know why. Being here today is an honour and a privilege. I have a very high opinion of the Senate.

Having worked on the constitutional issue with Senator Beaudoin, gentleman I adored working with in two constitutional committees, I know how hard senators work, devoting many hours to what they do and being very professional. You will not hear me say anything negative about the Senate, not at all.

• (1610)

With regard to the Canadian National strike, it is true that the issue of security comes into play when a strike continues or when there are rotating strikes. Whether we like it or not, replacement workers can take their place; that just goes with the territory. Hence our thinking that, in each sector of economic activity — with small, medium or even larger companies — the small business also needs supplies, it needs to pay its employees and the employees need their cheque to provide for their family. Our economy relies on the system as a whole to function properly. As for this CN strike, I would like to thank the parties for their co-operation because they could have shut down the Go Train in Toronto. Imagine how catastrophic that would have been.

I believe that the Canadian National rail service is essential to the proper functioning of Canada and its economy, essential to serving people who need goods and merchandise, whether for our troops or any sector of economic activity. We must be vigilant and take this into consideration. In addition, in the case of our troops, every day we see how difficult things are in Afghanistan. When we serve our country, unfortunate things can happen. You also referred to this and you were an important witness to what happened in the past.

Senator Dallaire: With purchases of strategic lift aircraft, our dependency on rail availability will decrease and there will be a better balance. Nevertheless, I would like to point out that, even during World War II, dockworkers went on strike causing significant difficulties.

Thus, I would like to bring to your attention that, as part of your responsibilities, the aspects of security, national defence and aid to civil powers — whether it is an October crisis or flooding — must be weighed to the same extent as the other aspects of our society.

Mr. Blackburn: Honourable senators, as I indicated earlier, CN services are not considered essential under the Canada Labour Code. But, for our country to work, I for one think that they are essential. They are vital to our security and our health, to our food supplies, and to the continuity of business that makes us a prosperous nation.

In that context, your point and comment are completely justified and further confirm the need for this legislation.

[English]

Senator Bryden: Thank you, minister, for joining us. Is this a legal strike?

[Translation]

Mr. Blackburn: Yes, it is a legal strike.

[English]

Senator Bryden: It started, I think you said, because of a conflict between the U.S. unions and the Canadian union. Was that a jurisdictional dispute?

[Translation]

Mr. Blackburn: Again, starting the strike action was a union decision. After the strike was called by the United Transportation Union's Canadian branch official, then Canadian National, the employer, told the Canadian branch it did not have the right to call a strike; only the president of the American branch had that right. CN went to the Canada Industrial Relations Board and said, "Here is what we think. We are leaving the decision up to you". Days passed and, five or six days later, when the Canada Industrial Relations Board was ready to hear the parties, the American union said it did not recognize the lawyer representing the branch in Canada and it wanted its own lawyer, American or otherwise, to appear before the Canada Industrial Relations Board.

That is when the Canada Industrial Relations Board granted a five-day extension for the new lawyer to prepare and familiarize himself with the case.

While this was going on, the trains were not running, and Canada's economy was taking a blow. We were caught in a situation which, because of a conflict between two unions, took that particular turn. The strike per se was legal, though, and it was called by the union, here in Canada.

[English]

Senator Bryden: It was properly called, as far as the Canada Industrial Relations Board was concerned, in order to be a legal strike in Canada. Is that correct? It sounds to me as though there were a question between the constitution of the union internationally and what was happening here. Did you ever get an answer to the question of whether they were legally on strike as far as their own constitution is concerned?

[Translation]

Mr. Blackburn: You are correct, that is my interpretation. When the Canadian union called a strike, it was assuming that it was within its rights, that it had the authority to call a strike, because all the steps had been followed as set out in the legislation. It was afterwards that Canadian National interpreted the Charter and said that, no, the Canadian union did not have the right to call a strike, and it took the case to the Canada Industrial Relations Board, which was to make a decision. The Board said that it was legal.

After 10 or 12 days, the Canada Industrial Relations Board said that the strike was legal, that the Canadian union's decision to call a strike was legal.

[English]

Senator Bryden: If there had not been this confusion, would you have allowed the strike to continue for 14 days before taking action?

[Translation]

Mr. Blackburn: Again, this is hypothetical. It would have depended on whether there had been any hope of the parties coming to an agreement. This is always the case. When we look at a dispute, we ask ourselves if the timeline is short, if it is a matter of hours, days, weeks or months. This changes the situation. I cannot give you a specific answer, but obviously the country has to be able to function. People need to be paid, companies need their goods to be able to produce. This is the very foundation of our country.

[English]

Senator Bryden: Mr. Minister, I do not have much more to ask. Our collective bargaining system, as we all know, is based on the fundamental principle of free collective bargaining and negotiations. Do you agree that workers have a right to strike, that is, the right to remove their services, and that the employer has the right to run its business? Those are basically the fundamentals.

The problem I am trying to get to is that, in this set of circumstances, those fundamental rights have very little weight. What is the value of the right to strike to these employees and what is the value of the right to lock out to their employer if, as soon as there is any real financial, economic pressure that comes to bear, those rights go out the window and everybody runs to Parliament?

• (1620)

[Translation]

Mr. Blackburn: Under the Canada Labour Code, there are three ways in which to proceed in the event of a dispute. First, there is conciliation, which involves appointing a conciliator who meets with the parties and tries to guide them towards an agreement.

When the conciliation process does not work, a mediator can be appointed. Once appointed, the mediator tries to help the parties reach an agreement. Lastly, following that process, arbitration is another possibility.

Generally speaking, the process works well. I would say that our mediation process functions well. Recently, representatives from Chile came to meet with us to receive training on our system.

In Canada, strikes do not go on indefinitely, but in this case, the dispute between the American unions and the Canadian union was preventing an agreement from being reached because, when one party was ready to agree, the other party was not. And when that happens, nothing is achieved. The dispute between the parties ended up poisoning the current situation, which is why we need Parliament to legislate.

I would like to reiterate that the bill clearly states that, if the parties wish, they may reach an agreement themselves, which is what we want. However, when an agreement cannot be reached,

we must assume our responsibilities and we believe that arbitration will help move things along more rapidly.

[English]

Senator Bryden: When there is a legal strike, which this strike was, and conciliation and mediation have been undertaken and an agreement is still not reached, the final sanction to try to force agreement between the parties is a strike or lockout, whichever occurs.

In your presentation and your answers you have repeatedly referred to CN — and I assume you include CP as well — as an essential service in Canada. There are dispute mechanism procedures for essential services that do not include the right to strike or the right to lock out. For example, the final dispute settlement mechanism for firemen is binding arbitration in almost every instance. Some police forces are that way, as well as other emergency workers.

Since the railroads are an essential service, economically, would it not be better to amend the industrial relations act to cut out the strike-lockout provision and impose binding arbitration if agreement cannot be reached through conciliation or mediation? With that, the trains would continue to run.

[Translation]

Mr. Blackburn: Senator Bryden raises an excellent point and a societal debate. Unions and corporate representatives were consulted extensively about the Canada Labour Code, which was overhauled in 1999. Through conciliation, mediation and arbitration, the parties arrived at a consensus of sorts and agreed to allow strikes and the right to hire replacement workers. However, parties to a dispute often reach a consensus without resorting to conciliation, mediation, or arbitration.

A service is deemed to be essential under the Canada Labour Code when its withdrawal poses a danger to life or to public health. That is not the case for rail services and, in 2004, we submitted the matter to the Canada Industrial Relations Board which concluded that, according to the Canada Labour Code, rail services could not be qualified as essential services.

To my way of thinking, the country's economy is vital. That is the point of the law. We must take action to deal with the current situation.

[English]

Senator Mercer: Welcome to the Senate of Canada. Thank you for being here. It is rare that a minister of the Crown has an appreciation of this place. We are extra happy to welcome you here and hope that you will spread the word of our good work to your colleagues around the cabinet table.

To put my question in context, there were five men in my father's family, his father and four sons. Of those five, my father was the only one who did not work for CNR. All the rest worked for CNR until retirement. I tell you that to explain my association with that railroad.

Also, I was at one time, for four years, executive assistant to the minister of labour for Nova Scotia, so I have an appreciation from your side of the table. I have a great difficulty with back-to-work legislation. However, I will support this legislation, and I want to ask a couple of questions to demonstrate why I will support it.

As a member of the Standing Senate Committee on Transport and Communications I have had the opportunity to travel across the country on a study we are doing on containerization. I have met, both on committee business and privately, with people who use containers to ship Canadian products overseas and with people who import products from overseas. In addition, the committee as a whole has met numerous farmers, manufacturers and people who run the ports.

I salute the government for following through with the Pacific Gateway initiative, which was started by the previous government. It is important to the economy of Canada that we continue to develop the Pacific Gateway. If I had more time, I would talk about the Atlantic Gateway, which is even more important to me.

The problem is that the reputation of the Port of Vancouver in particular has been called into question a number of times. When on a business trip to Taipei a year or so ago, I met with a number of business people who were concerned about the reputation of the Port of Vancouver as a result of a large number of labour disruptions. However, that problem had settled down until now.

A few weeks ago, the Senate Transport Committee was in Vancouver and met with officials from the Port of Vancouver, and we toured the facilities there. The port was strikingly congested. The next time honourable senators fly into Vancouver, look out the window as you come into the airport and count the number of ships sitting in the stream. Those ships are costing the people who are shipping products hundreds of thousands of dollars because they cannot dock at the container piers in Vancouver and be unloaded fast enough. All of that has to do with the development of the Pacific Gateway.

I read the legislation and did not see in it any reference to addressing the problem once this legislation comes into effect.

• (1630)

After the first disruption of service we were told that CN, who claimed to be servicing the Port of Vancouver, did not add a single train or extra car coming east to the Port of Vancouver to pick up the backlog.

What will this do for the reputation, not only of the Port of Vancouver, but the reputation of Canada as a trading nation when there is no commitment, as there was no commitment after that labour disruption?

I heard no comments to say that after this labour disruption, CN will do their duty and put on extra trains, put on extra service to relieve the backlog that is now being multiplied as we speak. Ships are being diverted to American ports or waiting in Vancouver for us to pass this legislation.

Is there anything in your discussions that could alleviate my fear and the fear of others in the industry that our reputation will continue to be tarnished because of CN's failure to address the backlogs caused by labour disruptions?

[Translation]

Mr. Blackburn: You have mentioned the Port of Vancouver and I will read, in English, some of the facts that may be of interest to the honourable senators.

[English]

In the ten days since the strike began in mid-February, an estimated \$730 million in cargo has been held up. The Port of Vancouver says it will take weeks to clear up the backlog even if the dispute is resolved quickly. Transport Canada estimates that the value of goods shipped through the Port of Vancouver is \$146 million per day. The estimated average gross domestic product, GDP, impacts including containers is \$4.7 million per day; grain, special crops and feed, \$1.5 million per day; sulphur, \$405,000 per day; bulk forest products \$50,000 per day and vessels has significantly improved for the last week. At this moment they wanted to see the government acting and proceed with the law.

No one could say that this government or this minister did not say anything before we acted. I said many times publicly that this government would act if there was no agreement with the parties. That is what we did.

[Translation]

As for dealing with the backlog and putting on extra trains and extra service to help companies get through this, I would say that the situation is not the same now as it was in mid-February. It was much more difficult in mid-February than it is at present. But CN had already decided on a lockout. Things should improve. I think they realize that the legislation will be passed, if your chamber agrees to it.

I am also certain that my colleague, the Minister of Transport, Infrastructure and Communities, Mr. Cannon, will take a close look at this issue and that the parties may even discuss it in their negotiations.

[English]

Senator Mercer: Thank you, minister. I appreciate your comments. The statistics you quoted are probably news to some of our colleagues but not to us who sit on the Standing Senate Committee on Transport and Communications. We are aware of the critical nature of this problem and the need to solve this strike because every day Canadian jobs are being affected. These jobs are not only jobs in the manufacturing sector or in the transportation sector. These jobs are in Saskatchewan where pulse farmers are trying to ship their products to the Far East and because they are not being loaded on boats today, the quality of the product deteriorates every hour, every day. By the time it reaches the consumer at the other end, whether it be in India or China, the products are of little or no use. What may have been designed for human consumption ends up being used for feed, if that.

Minister, in the deliberations of the Standing Senate Committee on Transport and Communications my colleagues become bored with me asking the same question of every witness that has appeared before the committee with respect to this containerization study. Are there enough railcars servicing the

export industry in Canada? With one exception, everybody has said there do not appear to be enough railcars and they do not appear to be in the right location.

I come from Nova Scotia. One of your cabinet colleagues, Peter MacKay, also comes from Nova Scotia. I am concerned with Mr. MacKay's constituency and with some of his constituents. In Trenton, Nova Scotia, Mr. MacKay's riding, 350 people in the car works plant have had notice that their plant will close because of a lack of orders for railcars. People tell me in the transport committee that there are not enough railcars. I scratch my head and ask; what is wrong with this picture. Last year the plant employed over 1,000. This year, as they are ready to close, there are about 350 employed.

Jobs are at stake in every province and in every community in this country.

Minister, I am concerned that while we are talking about returning these people to work, they will return to work and there will not be enough railcars in the right places to take the products from Vancouver, in particular to central Canada, or just as importantly, to take products from Nova Scotia, New Brunswick or Saskatchewan to the ports to have them exported.

Has this issue been discussed within your ministry or, as you have discussed, in this legislation? Getting everybody back to work with nothing moving and where the backlog stays in place for months to come will extend the agony.

The Chairman: If you have further questions you could come at the second round but we are not completed with the first round.

[Translation]

Mr. Blackburn: I am not insensitive to what you are talking about, because trains are used a great deal in the Saguenay-Lac-Saint-Jean area, where I come from and where we have the aluminum industry and Alcan, along with pulp and paper and forestry companies. I have heard similar comments before. But I can tell you that Mr. Cannon and I have talked about this issue, and I believe that he is not insensitive to it either. I believe that when he appeared before the Standing Senate Committee on Transport and Communications, this was brought to his attention again. You will understand that, as Minister of Labour, I have a different mandate. But I am also part of the government, and I appreciate your comment.

Senator Joyal: Welcome, minister. I listened carefully to your presentation, which reminded me of previous back-to-work bills we have debated concerning workers such as longshoremen and employees of other public services such as airlines.

I was trying to determine, from your presentation, what the difference is between this back-to-work bill and similar bills that have come before Parliament previously. If I understand you correctly, you are referring to paragraph 11(1)(c) of the bill when you say that within 90 days after being appointed, the arbitrator shall:

• (1640)

(c) select, in order to resolve the matters remaining in dispute, either the final offer submitted by the employer or the final offer submitted by the union;

You pointed out that this clause is different from previous back-to-work bills Parliament has considered.

Why have you chosen to put this proposal forward rather than make one last effort to bring the parties together on the matters at issue? Why leave it up to the arbitrator to put a take it or leave it offer on the table?

It seems to me that back-to-work bills should support the negotiation process rather than force anyone to choose between black and white. It seems to me that the arbitrator should have a certain amount of discretion to select elements from the union's proposal and the employer's proposal, and to make a decision based on what he or she thinks is fair.

Why have you chosen to deviate from that format, which is the usual procedure, in favour of giving the arbitrator absolute power to choose one or the other?

Mr. Blackburn: It is important to remember that the parties have been talking since September 2006. This has turned into a 19-month dispute. A major part of the dispute is salary-related. The good thing is that this issue can be resolved faster. Each party will try to ensure that its point of view prevails. If either party goes too far, its proposal will not be selected. We think they will reach agreement on a number of issues on their own.

We think that the parties should reach agreement on most of the points they will be discussing during the 90-day period, because they have already been negotiating for quite a while. Moreover, both parties know that in 90 days, the arbitrator will ask them what they agree on and what they do not agree on, and they will have to respond, which will motivate them to make a greater effort to agree rather than have the issues settled by the arbitrator at the end of the process.

We think that this is the most valuable aspect of this bill.

Senator Joyal: I thank you for pointing this out because, to my knowledge, unless my memory serves me wrong, I cannot remember any back-to-work legislation containing a provision as explicit as this on the selection by the arbitrator. I will give an example. You mentioned salaries. Let us suppose that the union asks for a five per cent increase, while CN offers two per cent. Normally, the arbitrator would make a ruling. He may say that, perhaps, three per cent would probably be reasonable. So, he arbitrates, he takes everything into consideration, and he makes a decision. What you are proposing is different. You are telling us that the arbitrator will choose either two per cent or five per cent.

I am wondering if it is not in our best interests to maintain the arbitration process, which helps achieve a balance between the parties, because this is always what we try to preserve in a piece of back-to-work legislation. What this bill proposes is an exception to the bargaining process.

Why is it that, in this specific case, you feel it is fairer to give this power to the arbitrator, rather than giving him the option of arbitrating?

Mr. Blackburn: To answer your question, we have not invented the final offer. This process was used in 1994, for instance, in a dispute involving longshoremen at the Port of Vancouver. At that time, we proposed the final offer process.

We should also try to imagine this situation. They are at the end of the process and one side wants a five per cent increase, while the other side is prepared to give a two per cent increase. The employer may say, I will use something that seems reasonable, without knowing if it will win, as an assumption. It might be better for me to be reasonable than to risk being perceived as being unreasonable by the arbitrator, who might then select the other proposal. As for union officials, they too will figure that if they go too far, the arbitrator will not retain their offer and will select the other one instead. So, it is in the best interests of each party to be reasonable and, moreover, to try to come to an agreement with the other party, rather than letting the arbitrator decide.

This works at all levels and I think it is healthy, particularly in light of the fact that the parties have already been negotiating for 19 months. They have done a lot of work, and then there is the union dispute that I explained a little earlier.

Senator Joyal: I see that your officials were able to find a previous example in their archives; did the dynamic you described in the case of the Port of Vancouver play a role? In other words, did the fact that the parties had to take it or leave it force them to agree and ensure that the arbitrator did not have to select the employer's offer over the employees'? Do you know how the dispute was settled?

Mr. Blackburn: In the case in 1994, the arbitrator in fact decided on the issue of salaries. The arbitrator decided.

Senator Joyal: I am not trying to be difficult; I just want to know what impact the dynamic can have in practice. We want the parties to negotiate.

What I have learned from how unions operate is that there is an attempt to keep the parties negotiating for as long as possible. In the case of Vancouver, in the end, if I understand correctly, the arbitrator chose between the union's proposal and the employer's proposal. Do you know which proposal he chose at the time?

Mr. Blackburn: You have me there. Unfortunately I do not know the answer. I do not know whether he selected A or B. Typically, this often drags on and there is no deadline. It has to end sometime. That is the purpose of the 90-day period, unless the minister grants an extension for a reason that would be considered valid at the time. But we think that within the 90-day period they will agree on most items and maybe even on the issue of salary.

For your information as well, with respect to what was proposed in the offer that was turned down by 70.44 per cent of the union members, there was a 3 per cent salary increase effective immediately for one year with a \$1,000 lump sum and a year to continue discussions. The parties decided not to accept the proposal in an 80 per cent vote. If the parties had decided that the employees would stay at work, that they would not cause disruptions and would continue to negotiate, our bill would not have made it past first reading stage.

As soon as the rotating strikes began, something had to change.

• (1650)

[English]

Senator Jaffer: Minister, I have listened to you all afternoon. I have enjoyed hearing what you have to say, but I also have a bit of a concern. My concern is that there is no doubt that people lose rights when they are forced to work. We are faced with making sure that our economy does not get hurt versus labour rights.

You have eloquently argued that the economy is threatened by this strike, with which I of course agree. Many industries and individuals depend on the railway, and other senators have pointed out that essential services in an emergency can be affected — and there are many examples of how essential services are being affected.

However, my concern is that the members of the union also have rights and the government has a responsibility to ensure that its efforts to protect the Canadian economy do not remove any reason for the company to negotiate with them in good faith. I understand — and you may correct me — that you have been unwilling to commit to amending the Industrial Relations Act to include rail services as an essential service, and the Canada Industrial Relations Board has ruled that it is not an essential service.

Minister, do you have any plans to review how the government deals with these types of national strikes, whether it is rail services or the transportation industry, to ensure that in the future we are better prepared to deal with these types of labour disputes, in a way that does not jeopardize our economy but also does not undermine the positions of unions dealing with companies that they believe are failing to negotiate with them in good faith?

[Translation]

Mr. Blackburn: First of all, this is the first time since 1997 that we have had to bring forward back-to-work legislation to guarantee a service such as this. Second, in response to your question concerning amending Part I of the Canada Labour Code, I would not recommend this to my government for the following reason. Since we are a minority government, it is extremely difficult to bring about any changes. First, Part I of the Canada Labour Code is vast, and second, we cannot amend one part of the Code and assume that the rest of it will still function. By amending one section, we are obligated to review all of it, somewhat like a puzzle. There are many pieces in the puzzle.

Under the current circumstances, it is not in my mandate, nor is it my intention as Minister of Labour to change Part I of the Canada Labour Code at this stage. However, Part III, concerning labour standards, is currently being examined. One professor has submitted 172 recommendations to improve it and we are at the consultation stage. This is in the works, but not for Part I.

I talked about Bill C-257. People seem to think that, with a private member's bill, they can add something to the legislation and that it will work. You cannot change just one part. That would be like deciding to remove one part of the current legislation. That is not how it works. We must look at how it begins and how it ends. We have no intention of changing Part I of the Canada Labour Code at this time.

[English]

Senator Jaffer: Minister, I appreciate your candidness, as well as your setting out some of your current challenges and why therefore you are not looking at a complete overhaul. I can understand that you may not be looking at presenting a complete overhaul to Parliament, but are you working on ways in which unions will not be affected in the future, a balanced approach, where the rights of employers and the rights of unions are in balance? Is your department working on a future plan that incorporates a more balanced approach?

[Translation]

Mr. Blackburn: Allow me to share with you a few of the recommendations made in the Sims report in 1995, at the time when an overhaul of the Canada Labour code was being contemplated. Following a comprehensive review of Part I of the Canada Labour Code, the task force recommended against any general prohibition on the right to strike or lockout and rejected suggestions to substitute arbitration for free collective bargaining in certain industries with the potential for high impact on the public interest.

I might add that the Canada Labour Code works; there is balance involved. The proof is that, if it has not been necessary to legislate since 1997, it is because each time there was a dispute or a collective agreement expired, the parties were able to come to an agreement. Sometimes agreement is achieved quickly, other times it can take longer. Occasionally, the use of conciliation, mediation or arbitration services is necessary. But it works.

The only time there have been problems is whenever employers used replacements workers in the event of a strike. That is always what creates problems and raises concerns.

On 19 occasions, complaints were filed after an employer used replacement workers. Thirteen out of these nineteen times, the parties agreed to withdraw the complaints filed with the Canada Industrial Relations Board. Three other complaints were ruled unfounded, as it was established that the actions taken were not designed to undermine the union's representativeness. Three more complaints are still under review at the Canada Industrial Relations Board. So, this boils down to six, if we add three and three. All in all, if we consider the situation since 1999, this goes to show that the Canada Labour Code, and the provisions in Part I, which was developed by the previous government, works.

One can always find exceptions. If anyone can come up with the ideal method, I am prepared to look at it.

[English]

Senator Gustafson: Honourable senators, what comes to our attention is the tremendous challenge of transportation in a country like Canada, where we are landlocked with so many miles to maintain. At one time we had, according to *The Western Producer*, 31 ships in the bay waiting for grain. Therefore, I wish to take this opportunity to thank the honourable minister for the quick action he and his government have taken to get things moving. I believe I speak not only for the farmers, but also for all of the people who are affected as well, and we say thank you to the honourable minister.

Hon. Senators: Hear, hear!

[Translation]

The Chairman: On behalf of all the senators, I would like to thank you for coming today to help us with our work and I would like to thank your officials as well. Good luck.

Mr. Blackburn: Thank you, Madam Chairman. It was truly a first for me to come and meet with you in the Senate.

Moreover, I am sitting in the seat belonging to my colleague, Senator Fortier, number 58. Thank you all and I hope that my information was able to enlighten you to help you make this decision, which is now in your hands.

• (1700)

Senator Tardif: Honourable senators, I would ask that Glen Gower, President of Section 483 of the United Transportation Union be invited to join the Committee of the Whole proceedings.

The Chairman: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The Chairman: I invite Mr. Gower to take a seat.

[English]

Mr. Gower, welcome to the Senate. I invite you to make your opening remarks and then senators will ask you questions.

Mr. Glen Gower, Local 483 Chairman, United Transportation Union: Thank you very much. It is an honour to be here. I appreciate the invitation. I hope I can enlighten you.

I am local chairman of the United Transportation Union. I represent approximately 250 members in Toronto. When we went on strike in February, we maintained the Go trains and the Montreal trains, the commuter services. We understand how essential that service is to the economy and to the people. We do not want to disrupt the lives and the economy of the country. When we worked during that period of time, my members donated 50 per cent of their earnings to The Hospital for Sick Children, totalling approximately \$71,000. We presented that to Sick Kids.

We have an internal union problem at this point, unfortunately. Approximately 80 per cent of the members have signed cards to go to the Teamsters. The Canada Industrial Relations Board, CIRB, is receiving submissions on that up until this Friday, after which point they will make a determination as to whether there will be a runoff vote or whether we will have our right to self-determination. Hopefully, things will go that way. We will then have the representation we need after that point — and not necessarily with the Teamsters. We will have proper representation; that is, duly elected people to represent us and not people who have been appointed or put into positions somewhat reluctantly.

These people who are called our leaders right now within the union do not speak on behalf of the members. This is our problem. We need a period of time to have a representational vote and to put the right people in place who will speak for us, whoever they may be.

There are no UTU members currently on strike in this country. We have approximately 150 UTU members locked out in Vancouver and Kamloops. Approximately 20 members are locked out in Oakville, Ontario. Yesterday, I approached CN senior managers with a signed document, from all the 20 members who were locked out, requesting that they be allowed to return to work and stating that they would not entertain any further strike action, nor would they participate in any further strike action or honour any picket line. CN has yet to respond as to whether these people can go back to work.

There is no "on strike." These people are locked out. They want to go to work. The trains are running, as they always have — even during the strike in February. Yes, there were no conductors or brakemen working. CN managers were filling in for us. No, that is not an ideal situation, but the trains were still working. The railway did not grind to a halt.

Comments were made here earlier about the agreement that was presented to us at the end of the strike. That agreement was simply a one-year extension of the current agreement. It did not address any of our issues. Our issues concern our quality of life and our safety. These issues are key. This strike was never about money. Contrary to what some media have reported, it is not about money.

Here are some of our issues — and I will not go through the list of demands. Our members who work outdoors in the yard, in all kinds of weather, night and day, are given 20 minutes to have a meal. That is not 20 minutes to sit down and eat. That is 20 minutes from the time the engine stops moving until the company expects the engine to start moving again. If members take longer than that, they are disciplined. I have represented employees who were disciplined for that. However, 20 minutes is unrealistic. It is unsafe. Members need time to go in and warm up out of the inclement weather and have a coffee and something to eat. This issue is one of our big ones. We want more than 20 minutes. These are safety issues, quality of life issues, more time at home.

• (1710)

I have a 2-year-old son. When I go out on a freight train, I am away from my home usually in the neighbourhood of 24 hours, sometimes more, sometimes less. When I get home, I am tired, I need to sleep, but I am due back to work generally within 24 hours from the time I get home. I am expected and I must be well rested by the time I return to work.

We want to maintain what we currently have and possibly do a little better. The offers that were put to us during the negotiating period were to take those rights away, diminish them or make concessions on them.

I listened with great interest yesterday as members in the other place discussed this issue. There was much discussion around safety on the railways. I do not think the people that were discussing it realize that safety issues are things we are trying to negotiate, trying to get through collective bargaining.

The railway is a very unforgiving environment to work in. You do not get minor injuries; you lose limbs, you get killed. It is very unforgiving, especially if you are tired, cold or have not had a chance to get out of the elements. —

Another issue that was of great concern deals with yard employees. They are subject to stand out on what we call the point of a locomotive, going back and forth in the yard in the middle of the night in freezing cold. There is a locomotive cab that they could go in, but the company has deemed that they cannot anymore or they will be disciplined. They stand out on the point of this locomotive, freezing cold. If they go inside, they will be disciplined. For up to five hours these people go back and forth in the wind under fear of discipline. If you left your dog in the freezing cold, in the wind, the humane society would take that dog away, or I would hope they would.

This is encouraged. This legislation, if it is passed, and it appears to be going that way — I am not afraid of the legislation, I am not afraid of the process. I am afraid of what it does for the future and our ability to bargain collectively. The next time we go into contract negotiations the company may say that they know we will just be legislated and forced back, so they have no need to bargain collectively and properly. This is a genuine concern to myself and the members.

We speak of safety for the public. Unfortunately, there has been a large number of derailments of CN trains for various reasons. There is a concern of fatigue with our members, engineers, train men and conductors alike, yet there seems to be a push to increase the amount of hours that we are allowed to work. There seems to be a push on all sides to allow us or legislate us to work longer and take away our rights to book rest. This is not in anyone's best interests. It certainly is not in the interest of public safety. We haul dangerous goods — hydrochloric acid, ammonia — through the large and small communities across this country. You need to be wide awake and alert at all times. Things happen very quickly.

Our members are on call 24 hours a day, seven days a week, 365 days a year, with the exception of vacation time, obviously, and what we have gained through negotiations in the past. If an employee misses a call for work, one single call, they are brought in and disciplined. If that employee, for whatever reason, is too tired to go to work, is so tired that they do not hear the phone ringing, they are disciplined for that.

Our issues are about quality of life and safety. The railway is running as we speak. All of our members are at work. There is no one on strike. The only members who are not at work are the ones who are locked out. I fail to see the reason for back-to-work or continuing work legislation at this point.

I appreciate the opportunity I have been given here. If I can answer any of your questions, please feel free to ask.

Senator Di Nino: Mr. Gower, thank you for your comments and welcome to the Senate. I am from Toronto, so I am a little more aware of the things that you have done, particularly your generous contribution to the Hospital for Sick Children.

I have one clarification. You are the chairperson of the UTU Local 483; is that correct?

Mr. Gower: Yes, sir.

Senator Di Nino: This evening you are making a presentation to this committee. Are you making a representation on behalf of UTU and the union?

Mr. Gower: Yes, sir. I am here on behalf of my local and GC 105, which is basically everything east of Winnipeg.

Senator Di Nino: Your representation today is wider than just Local 483; it includes others, as you said, east of the Manitoba border?

Mr. Gower: Yes. We had a conference call last evening of all of the local chairman in our general committee. It was discussed and I am here as spokesperson.

Senator Di Nino: I appreciate that. I may come back for another question later. I just wanted to put that on the record.

Senator Banks: Mr. Gower, welcome to the Senate. Thank you for your statement. You said that none of your members have walked off the job. I gather that there is not a picket line anywhere; is that so?

• (1720)

Mr. Gower: To the best of my knowledge, there is no picket line anywhere. I cannot speak specifically for Vancouver and Kamloops, as I have not been there, but, to the best of my knowledge, there are no pickets set up.

Senator Banks: Is it the case, so far as you know and in the area that you represent, that trains are moving in a way that an outsider would say is normal?

Mr. Gower: Yes, absolutely. I run freight trains between Belleville and Montreal and Toronto; those trains are running as normally as ever. I know the members in Sarnia and up north. Those trains are running normally.

Senator Banks: Your union is in a position, I understand, legally to strike and therefore to walk off the job and therefore to put up picket lines, I presume, and to stop trains from running. Is that so?

Mr. Gower: Yes, we are. There is some question as to whether we are legally in a strike position. That is a separate issue. Again, all of the local chairmen in GC 105, which is everything Ontario and east, have signed a paper, directing our international officers, our general chairman and vice-president, that we will not participate in any strike activity if certain conditions are met, and one of those conditions is returning to the bargaining table and making a concerted effort to address our demands and our concerns.

Senator Banks: The people that you represent have determined, and you are telling us here today, that you will not go on strike?

Mr. Gower: Yes. We have all agreed that we will not go on strike, hopefully not at all, but at least until certain terms have been met. I do have a copy of that letter; but it was out in the public.

Senator Banks: I am just trying to determine what the trigger is. You would not strike until or unless what happens? What would trigger a strike?

Mr. Gower: We directed our vice-president, who has been appointed our general chairperson right now, to go back to the bargaining table and attempt to get a collective agreement. Failing that, he would have to speak to all of the local chairmen, as a group, and get a consensus on what action would need to be taken at that point. There are certain other points; I am more than happy to give you a copy of this letter.

Senator Banks: I do not know if that is in order; Madame Chair can make that determination.

If you were to go back to the bargaining table, would wages be one of the issues that would be discussed at that table?

Mr. Gower: Wages are always discussed, but that is not one of our big issues. Wages are always there. I have been told by many members that if we could address many of the safety issues they would forego a wage increase. Quality of life is the concern.

Senator Banks: What does "GC" stand for?

Mr. Gower: General committee.

Senator Jaffer: Thank you very much for your presence here. I do not know if you were here when the minister was speaking and whether you heard his comments.

Mr. Gower: Yes.

Senator Jaffer: My concern, which I expressed to him, is that the rights of unionized workers be balanced with those of the employers. He informed me this type of situation has not existed since 1997, that things have been working out fairly well. Do you agree with that statement?

Mr. Gower: I did make some notes to that point. Thank you for reminding me.

I am not sure which senator made the comment regarding reaching an agreement in a reasonable time frame. We have been given approximately five to six months this time around. Last time around, it took 18 months for us to get a collective agreement. What is a reasonable amount of time? I do not think we have reached it yet. The last time, when we took 18 months to get the collective agreement, there was no threat of back-to-work legislation. Mind you, we had not gone on strike, either, but there is always the threat of a strike, as there is now. We have gone back to work, and there are assurances that we will not go out for the foreseeable future.

You are correct. I feel our rights will be jeopardized if this proposed legislation is passed. This proposed legislation is unnecessary at this point. I understand everyone's concern for the economy; however, even when we were out on strike, the trains were running — not at 100 per cent capacity, but they were running. I do not know if that fully addresses your question.

Senator Jaffer: I understand that, in the last few years, there has been increasing tension. Perhaps that may also be because of a change of management. Is it correct that there has been increasing tension? The minister said that there has not been a strike situation since 1997. Maybe I misunderstood him. Is that correct? What brings us here now, according to you?

Mr. Gower: I understood there has not been back-to-work legislation since 1997.

Senator Jaffer: Yes, you are right.

Mr. Gower: We have successfully negotiated at least three contracts since 1997, through collective bargaining with our duly elected representatives.

Senator Jaffer: Maybe you said this, but would you repeat what has transpired such that we have arrived at the situation where we have come to back-to-work legislation?

Mr. Gower: There is an internal conflict within our union, unfortunately. I explained the representational vote, the CIRB, coming very soon. We need that very much, to ensure any kind of harmony within the workplace.

Senator Phalen: I have just a couple of questions. At the beginning, I think I understood you to say that your leadership was appointed. Why would it be appointed and by whom would it be appointed? Did you say initially that your leadership was appointed?

Mr. Gower: Yes, sir.

Senator Phalen: Who is it appointed by?

Mr. Gower: By the international president, when our duly elected representatives were removed at the CIRB hearing in Montreal.

Senator Phalen: When you talk say "international," you are talking about the Americans.

Mr. Gower: Yes, sir.

Senator Phalen: In many public service unions, arbitration is used as the dispute-settling mechanism. You indicated that you had a fear of arbitration. Would you mind telling me why? Are you afraid of arbitration as a method of resolving disputes?

Mr. Gower: I think you may have misunderstood. I said I am not afraid of the back-to-work legislation.

Senator Phalen: It is not back-to-work legislation that I am talking about. What they are recommending is that the dispute-settling mechanism will be binding arbitration.

Mr. Gower: I believe what I said, and possibly it was misunderstood, was that I am afraid of what this will do in the future.

Senator Phalen: What do you mean by that?

Mr. Gower: My fear is that, in the future, collective bargaining possibly will be jeopardized, because the company and/or the union, either party, could now say, "It does not matter. What do we have to lose? We will just get legislated back, and this will be the end result anyway."

Senator Phalen: That is not how it was explained to us. They are not legislating you back; they are resolving it by an arbitrator. If the sides do not agree but are not too far apart, I suppose they will

try to reach a consensus on most points. At some point in time an arbitrator will meet with the parties and make a final decision; is that the mechanism you have a problem with?

• (1730)

Mr. Gower: No, I do not have a fear of that. My concern is about the motivation to bargain collectively and in good faith. I see it on the part of the union. We want certain things. We want to get a collective agreement and we want to use collective bargaining as a means to reach that end.

Senator Phalen: I was president of a number of large unions and for many of them arbitration was their means of dispute settlement. My only great concern with that was the cost of it. It became very costly and the legal people were making a fortune on it. However, the method seemed to work.

In the end, the union with which I was involved got full collective bargaining under the trade union act in Nova Scotia. However, they worked under the arbitration system for years.

I understand that you will be classified as essential services. Would you not consider arbitration as a means of settling your disputes?

Mr. Gower: We currently use arbitrators in the grievance process and, yes, they do become costly, as does legal counsel. However, I do not think that is the best way to proceed for a contract.

Senator Bryden: Thank you for coming. You were asked by Senator Jaffer why, after three or four negotiated contracts since 1997, we have come to this situation of considering back-to-work legislation and a method of imposing a contract. I believe your answer was that it is because you have a problem with your union. Can you describe what that problem is?

Mr. Gower: There appears to be a fear among some of the senior people within the union that we could possibly be raided and go to the teamsters, leaving the United Transportation Union. The concern appeared to be so great that there was almost a panic by certain people to get us out of the open period, and I do not think they acted in our best interests or in the best interests of the members. I am not alone in that sentiment.

Senator Bryden: Are you out of the open period now?

Mr. Gower: Again, that is debatable. I believe that would be up to the CIRB to decide.

Senator Bryden: I am curious about why the employer, other employees of the employer, and the people who depend on your employer and your people to move billions of dollars worth of goods across the country, should suffer because you have trouble with your union. Why do you not fix it? That is not an excuse that works for the public, and it certainly does not work for me. If your union and your membership, under whatever guise, cannot manage a collective bargaining situation without ending up with rotating strikes that back up railway cars and keep ships tied up and costing \$300,000 a day, if people are not lying to us, because they cannot be loaded or unloaded, why should the Canadian public have to pay for that?

Mr. Gower: You are absolutely right; the Canadian public should not have to pay for it. We are actively trying to resolve this. We are seeking assistance from the CIRB. Things are just not happening fast enough, unfortunately. I do understand. We have done our best to minimize any harm to the public. With any strike there will be some economic sanction. That is the whole idea of a strike. At this point, we are not willing to continue any strike action. We are back to work. We will continue working in good faith. We want to negotiate an agreement.

Senator Bryden: Does that include all the people who have been involved in the strike action, regardless of what they call themselves, teamsters or the old union or the new union? It is my understanding that a rotating system is being used, which is very costly because you do not know whether you can staff up to run the system today or whether you will have employees at a certain location for two or three days. Almost any employer would say, "I have had enough of this. I am shutting down."

I have no particular love for employers, but the employer is expected to deliver the goods. Many people who rely on them are pressuring them. It is affecting the general public. Ministers of the Crown and governments do not enter into back-to-work legislation happily or when any other reasonable method is available. We have been able to avoid that for almost 20 years.

You have a hard sell, because your mother union in Cleveland does not want to give up control, it can almost strangle east-west movement on our railroad bloodstream here in Canada. I suggest that someone try to do something extraordinary to get that going. Until that time, we as legislators, to whom the people of Canada look to deal with situations exactly like this, cannot fail to act.

I did not mean to lecture you.

Mr. Gower: I appreciate what you are saying. The local chairman and the members are trying to do that. We have committed to continue the operation in the eastern half of Canada, at least, which is all I can speak on behalf of.

We have committed to continue working. We will not be participating in any strike action. We are not taking direction from the international. We do not believe that they speak on our behalf.

• (1740)

Senator Bryden: May I just ask one more question? Why is there no one here from west of the Ontario border? There is much of Canada out there that I do not think you may be in a position to speak for. Where are these appointers?

Mr. Gower: Do you mean where are they today?

Senator Bryden: Yes, today. It cannot be very important to them.

Mr. Gower: They are all in Cleveland.

Senator Bryden: That speaks for itself.

Senator Tardif: I wanted to respond to Senator Bryden's question. When we received the information that we would be receiving the bill today, it was indicated that only the minister would be invited, and so our side pressed very hard to have some

hearings and to have some people from the union side. It was very late last night when we were apprised of it. We did the best we could in the short time period available.

Mr. Gower: This is the best, you call it?

Senator Tardif: We appreciate you coming. Thank you.

Senator Nolin: Do I understand that you were in Ottawa yesterday watching the debate in the House of Commons?

Mr. Gower: No, I was in Toronto trying to get the Oakville members back to work and I watched the debate from Toronto and drove up today.

Senator Joyal: I understand that you would have read the proposed legislation that is under consideration in this chamber today.

Mr. Gower: I was given a copy a short while ago. I did not have a copy of it prior to that. I have looked through it since, yes.

Senator Joyal: My question is in relation to clause 11, which is on page 4 of the bill, if you want to refer to it. The way I understand clause 11, it gives the parties 90 days to provide a list of two sets of issues to the arbitrator; one list of issues on which they agree, and another list of issues on which they do not agree. On the list of issues on which they do not agree, they give their final offer. According to clause 11(c), the arbitrator will decide which parts of the final offer, from the union or the employer, he or she will select.

We had an explanation from the minister that this system that allows the arbitrator a take it or leave it position would put pressure on the parties to improve their final offer in the best way possible so that it would be retained by the arbitrator. In some instances, the arbitrator would study the two final offers and he or she would arbitrate. He could decide to split the pair in the middle.

You have told us that the major issues at stake in the present conflict relate to safety.

Mr. Gower: Yes.

Senator Joyal: If this is the fundamental issue of disagreement for a collective agreement to be concluded, how can an arbitrator choose the final offer between A or B? Safety is something that is not black and white, one must arbitrate. One must make a judgment. Probably a fair balance, as I say, is in the middle of some sort.

Mr. Gower: Yes.

Senator Joyal: Were you not concerned that the proposal to end the conflict would be difficult to achieve in the present circumstances?

Mr. Gower: Yes, I do, but my hope is that if this passes, as it appears it will, I hope that we have elected representatives to deal with this for us. They should be put in a position where they can negotiate properly with the company, in the members' best interests. We do not wish to end up at the end of 90 days with an arbitrator having to decide. I sincerely hope that will happen.

Senator Joyal: Do you think that the period of 90 days is long enough to allow the representatives with the proper mandate to negotiate on your behalf?

Mr. Gower: If I had the opportunity to amend this bill, I would say that upon completion of the CIRB ruling and whatever they deemed fit. This could be a representational vote or signing us over to another union or leaving us where we are once that is determined and complete.

Senator Joyal: Is it not one of the key arguments to determine a period of 90 days that everyone must come to terms with as described by Senators Bryden, Banks and Gustafson earlier on this afternoon in this chamber? Ninety days seem to me, on the basis of what I know of collective agreements, a reasonable period to achieve the process that has been started. You mentioned this yourself, some six months ago.

Mr. Gower: Yes, to go through just this process I think three months is probably reasonable, but we need that representational vote or ruling prior to that three-month period.

Senator Joyal: On the other hand the authority has to take into consideration that there is a 90-day period in this legislation. That would be a factor for that body to come forward with a decision within the time frame that is contemplated in this legislation.

Mr. Gower: I would hope so.

Senator Joyal: That could be helpful, in other words, for you to get a final decision; is that correct?

Mr. Gower: It could be. It could be detrimental. It depends who is there making the decisions.

Senator Joyal: On the other hand, a decision has to be taken by the representatives of the union so the bargaining process can start normally as you hope it will. That is why there are decisions and that is why there are deadlines that are contemplated because it cannot be prolonged forever, considering the impact it has on the general Canadian economy.

Mr. Gower: Perhaps I am not making clear what I am saying, and I apologize. If the date was set, we will say all the submissions must be in to the CIRB by this Friday, in all likelihood they will rule, I am guessing, within a week. If they say, "You will have a representational vote," there is a period of time involved in that, as I am sure you are aware. It could be two weeks, a month, six weeks, whatever they deem. In the interim, it would be improper to have anyone attempting to negotiate for us. This is why I am saying we need that representational ruling prior to this process starting.

Senator Joyal: On the other hand, this bill, if adopted, would put pressure to act with the shortest delay possible to have the collective process take place within the framework of the 90 days.

• (1750)

Mr. Gower: Yes, it would, but we do not know who will be doing this for us at this point. We do not know who will be negotiating for us.

Senator Joyal: I understand the chicken-and-egg situation in which you are caught in a way; that is why we are all here trying to wrestle with this issue to ensure that we are as fair as possible,

as much for the employees as for the Canadian public, who bear the consequences of the situation in which the union and the employer find themselves caught. It is a very difficult situation to determine who will be negotiating on your behalf.

Mr. Gower: I know this letter I am holding up is not enough assurance to convince the people of Canada that we will never go out on strike — that we will not possibly go on strike at a later time. The amendment that I would love to see in this is that the time frame start after the ruling on representation is made; and that we just remain with the status quo — not necessarily the status quo, but under the current or just expired collective agreement — in the interim. The terms and conditions of that collective agreement would remain in effect until such time as the representational rule is finished.

Senator Bryden: My colleague, Senator Joyal, makes a very good point in the sense that the 90 days does put some pressure on the decision-making body to try to do what you are asking for as quickly as possible. Unfortunately, that board is a quasi-judicial board so it is not up to us to fiddle around with it. However, it is a place where your organization might press the labour department to urge what you are discussing.

The other thing that we need to keep in mind is that the back-to-work legislation takes effect basically 24 hours after the proclamation that will likely happen this afternoon. During this period, you are still working, the employer is prohibited from preventing people from going into work and there are no more lockouts.

There also is a provision — and I raise it more to draw to your attention, if you had not noticed it — which the minister talked about this afternoon, that while there is a 90-day period, there is also the opportunity for the government to extend that period of 90 days for a further period of time, depending on the circumstances. Therefore, if getting your act together takes a whole month out of the 90 days, you might well get them to extend the period of time. Clause 11(1) allows for that.

In the meantime, as far as us being concerned about you going out on strike, the first operative clause of the bill says nobody can go on strike, and no one can lock out; anybody that does that is subject to fines and so on. That is very useful in a situation that you are in to try and get your act together. However, do it as quickly as possible; we do not like doing this any more than you like having it done to you.

Mr. Gower: I appreciate that. My concern is still that the people who are in the position of leadership right now do not necessarily speak for the membership. Their motives are — I am trying to be tactful — questionable. If we had until there was a representational ruling before any of this took place, it would stop any kind of questionable antics happening. That is my concern.

Senator Banks: I have a couple of questions. You said that the people who are representative of railway men — and I mean that generically — west of Winnipeg are in Cleveland. Are they there at meetings or do they live in Cleveland?

Mr. Gower: Perhaps I misunderstood. Our union representatives — our Canadian legislative director and our vice-presidents, who are now currently our general chairpersons — are the senior executives, at least in title, in Canada. All of them are in Cleveland as we speak.

Senator Banks: Doing what?

Mr. Gower: They are having a hearing over the duly elected general chairman. This is part of our problem. This is why we need the representational ruling before we move anywhere.

Senator Banks: Whatever we decide, I hope that you will leave here understanding that the question you raise, having to do with problems that are internal to the union and the workers, is a separate one that is not before us.

Mr. Gower: I understand that.

Senator Banks: What is before us is a bill that takes into account the present situation, notwithstanding that there might be problems in who represents whom as far as the workers are concerned. I presume that that is the kind of thing that is being dealt with by the CIRB.

Mr. Gower: Yes, sir.

Senator Banks: The coincidence of those two things being in place at the same time is unfortunate. However, please understand that we must deal with this bill that is before us, which takes into account, as we have heard, losses that occurred to the Canadian economy in February for a while and some that have begun to occur even now. Industries other than the railway have looked at the situation and said this is too dangerous for us to continue producing at the levels at which we are producing, given just-in-time delivery and those kinds of considerations. I know you know all that far better than I, but it is a separate consideration.

I want to ask a hypothetical question, looking again at clause 11 and the provisions of clause 11(c) on page 4. I gather from what you say that a reasonable person concerned for safety would say that some of the things that are being asked for by the employer in this case are unreasonable, and ought not to be put into place because they would place safety of the public and of the workers in jeopardy.

In the method that is contained in this bill, as Senator Joyal has described it, an arbitrator will decide in the case of those instances in which there is not agreement — and for the sake of my hypothesis, let us assume that is one of them. Let us assume the turnaround time is a question that has not been resolved before the 90 days are over, that the railway wants a shorter turnaround time and the workers want either a longer time or the present turnaround time.

I think most of us are relying on the fact that an arbitrator opening the two envelopes and having to choose between them without modification, will look at one and say, "That is unreasonable," and look at the other and say, "That is less unreasonable" and pick that one. That is how this process is designed to work. It is designed so that in those cases that have not been arrived at and agreed to at the eleventh hour, the last

position that is put into those envelopes by the employer and the workers will suddenly become much more reasonable in the fear that if it is seen by the arbitrator to be unreasonable it certainly would not be picked.

• (1800)

Does that give you any confidence in respect of the resolution of those kinds of things?

Mr. Gower: On certain issues, yes. Going through several issues in my head, I can present scenarios where I could make it appear to be reasonable but, in fact, it is not, on such things as hours of service, rest, regulations, time off and turnaround time.

An arbitrator may give the option of staying with what we have now, which includes the right to book rest after 10 hours and taking up to 24 hours at the home terminal, but the company wants all those rest provisions gone. That is one of their concerns. They want the rest of the provisions gone and they want the Hours of Service Regulations to take effect.

The Hours of Service Regulations, as you may be aware, are essentially a minimum standard. I would not want to live with those standards day in and day out. However, I could make it appear as though it is not so bad.

Senator Banks: Thank you for that answer. I take some comfort from the fact that I assume the arbitrator will be a well-informed person and would be able to see through those things. I hope that that is so.

Mr. Gower: I certainly hope so, too. Thank you.

The Chairman: I do not have any other senators on any list.

Mr. Gower, on behalf of all senators, I want to thank you for joining us today to assist us with our work on this bill.

Mr. Gower: Thank you very much for having me. I appreciate it and it is an honour.

[Translation]

The Chairman: Honourable senators, is it agreed that we proceed with the clause-by-clause study of Bill C-46, to provide for the resumption and continuation of railway operations?

Hon. Senators: Agreed.

The Chairman: Shall the title carry?

Hon. Senators: Agreed.

[English]

The Chairman: Shall consideration of clause 1, which contains the short title, stand postponed?

Hon. Senators: Agreed.

The Chairman: Shall clause 2 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 3 carry?

Hon. Senators: Agreed.

[Translation]

The Chairman: Shall clause 4 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 5 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 6 carry?

Hon. Senators: Carried.

[English]

The Chairman: Shall clause 7 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 8 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 9 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 10 carry?

Hon. Senators: Agreed.

[Translation]

The Chairman: Shall clause 11 carry?

Hon. Senators: On division.

The Chairman: Shall clause 12 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 13 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 14 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 15 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 16 carry?

Hon. Senators: Carried.

[English]

The Chairman: Shall clause 17 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 18 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 19 carry?

Hon. Senators: Agreed.

[Translation]

The Chairman: Shall clause 20 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 21 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 1, the short title, carry?

Hon. Senators: Carried.

[English]

The Chairman: Shall the title carry?

Hon. Senators: Agreed.

The Chairman: Shall I report the bill without amendment?

Hon. Senators: Agreed.

[Translation]

The Hon. the Speaker: Honourable senators, the sitting is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole to which was referred Bill C-46, to provide for the resumption and continuation of railway operations, has examined the said bill and has directed me to report the same to the Senate without amendment.

THIRD READING.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 28(1)(b), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Comeau: Honourable senators, I move that we proceed immediately to third reading of the bill.

The Hon. the Speaker: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

[English]

Hon. Serge Joyal: Honourable senators, I will be brief as well. I want to echo the question that I asked the minister and the witness on clause 11(1)(c) of the proposed bill. I want to put it at third reading because it is an important provision for its implication in the future for back-to-work legislation.

As has been stated in testimony, with some issues it is easy to choose between two proposals, especially monetary issues. Other issues might be the object of disagreement between a union and an employer where arbitration is needed because it is not essentially a money issue. There are issues, for instance, as the witness mentioned, relating to safety or security whereby there are two proposals and the middle ground sometimes seems the best option to arbitrate. That is why there is arbitration. Arbitration calls upon the judgment of a person with experience. However, when what is essentially done is the opening of envelope A and envelope B, it is not arbitration. That is what I call a simple, mechanical operation of disclosing offer. This is not arbitration within the true meaning. In the context of a collective agreement and the maintenance of negotiation, it is important that the principle of arbitration be maintained.

Of course, this bill makes a proposal that has been used in the past, as the minister said, in 1994 in the longshoremen's strike in Vancouver Harbour, but the points raised by the witness have some merit. There is no question that in resolving a dispute of the nature with which we are faced, I believe the role of arbitration in its true meaning still has impact and importance. We should recognize that fact because in the future, when faced with similar legislation, and I hope not soon, we may have to pay attention to that role to ensure a fair settlement in the end and that we rely on the arbitration judgment and the capacity to balance the two views to reconcile those views in the best interests of the employers, the employees and the public generally who must bear the results and consequences of a conflict.

That point is essentially what I wanted to put on the record. I thank honourable senators for their attention.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

BUSINESS OF THE SENATE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate, I move that the Clerk of the Senate be authorized to pay reasonable travel and accommodation expenses for the witness who appeared before the Committee of the Whole earlier this day, subject to the Senate guidelines for witness expenses.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1810)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I ask leave of the Senate to proceed with consideration of clause 4 of Bill C-293 on the Order Paper under Commons Public Bills, followed by Motion No. 169 standing on the Notice Paper in the name of the Honourable Senator Kenny.

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire moved the second reading of Bill C-293, respecting the provision of official development assistance abroad —

He said: Honourable senators, it is late, but given this opportunity, I think it is critical that we move forward on this bill.

[English]

I should like to call the attention of the Senate to the presence in the gallery of some very strong and consistently supportive representatives of the NGO, namely, the Canadian Council for International Co-operation, an umbrella group that was behind the Make Poverty History campaign and who represent more than 100 Canadian voluntary sector organization NGOs and a few thousand Canadians involved in volunteer work with these NGOs. Thank you for remaining.

Honourable senators, it is my pleasure to introduce second reading in this chamber today of Bill C-293, respecting the provision of official development assistance abroad.

This bill calls for greater consistency, transparency and accountability in the provision of our foreign aid to developing countries. It asks our Parliament to create a legislated mandate on official development assistance — ODA — that Canada reports to the Development Assistance Committee, DAC, of the OECD in the appropriate fashion. ODA is only a portion of the broader international assistance envelope that Canada dedicates to other countries. Such a legislative mandate through this bill will ensure that our ODA will have poverty reduction as an exclusive goal.

Bill C-293 defines ODA according to the definition of the DAC of the OECD but encompasses unique Canadian features. As Bill C-293 states, ODA should be — and I quote:

... administered with the principal objective of promoting the economic development and welfare of developing countries, that is concessional in character, that conveys a grant element of at least 25 per cent, and that meets the requirements set out in section 4; or

(b) that is provided for the purpose of alleviating the effects of a natural or artificial disaster or other emergency occurring outside Canada.

Clause 4 of the bill specifies the three features that Canadian ODAs should be meeting. Canadian ODAs should be provided to developing countries — and I quote — “only if the competent minister is of the opinion that it”

- (a) contributes to poverty reduction;
- (b) takes into account the perspectives of the poor; and
- (c) is consistent with international human rights standards.

This opinion shall reflect that of society organizations as well.

The main purpose of this bill is to ensure that our Canadian ODA goes exclusively to the neediest of our planet, namely, those living in poverty, and avoid being used to satisfy our national interests as a foreign donor.

Allow me to explain to you the *raison d'être* behind this bill. Over the past five years, more specifically since 2001, there has been an increasing intrusion of national interests in the allocation of the ODA among the developed countries, Canada included. Following the 9/11 terrorist attacks, several developed countries have had a tendency to divert their ODA monies from other aspects than what was the initial purpose of ODA, which is poverty reduction and the achievement of the Millennium Development Goals. Very often, money has been allocated to developing countries for the purpose of countering the war on terror or for military and security aspects of peace operations. In other words, ODA has increasingly been serving donor interests rather than the interests of the poor.

Some countries, such as Canada, have been inflating their ODA statistics by including in their report to the OECD money going for projects on peace and security, as an instance. In the book entitled *The Reality of Aid 2006*, it is stated that, between 2001 and 2004, approximately 28 per cent of Canadian aid increases were allocated to Afghanistan and Iraq. In 2004, Canada gave only 0.27 per cent of its gross national income to ODA, approximately Can. \$3.4 billion.

In 2006-07, ODA figures will total approximately \$4.6 billion, or 0.33 per cent of our GNI. This is seemingly being repeated in the budget of 2007-08 —no significant increase. We are expecting ODA to remain essentially at \$4.6 billion, or, when we look at the gross national income, at about 0.32 per cent. This is not even half of the internationally agreed UN target of 0.7 per cent.

[Translation]

All of our official development assistance is usually included in the same budget envelope, which is a problem when we try to figure out how effective our assistance is. Instead of separating the funds that are allocated to poverty reduction from those that go to security, stabilization and reconstruction projects, CIDA has often put them all together for accounting purposes and for the official development assistance report submitted each year to the OECD Development Assistance Committee even though some of the funds should not be included according to OECD criteria.

This is common practice in a number of other countries, including the Netherlands, Australia and the United States. They often report all of their international assistance as official development assistance, which helps them improve their statistics with the OECD and their image as donor countries.

But is it fair and honest, honourable senators, to include funding for national security in an envelope that is primarily intended for the elimination of poverty? Does improved security in a country contribute necessarily or even directly to reducing poverty in that country? Some will say that security and development go hand in hand, but aid that is sent to restore security is certainly not intended to promote development. The goal is to restore security, not reduce poverty. The two should not be mixed together; they complement each other, but they should not necessarily be included in the same envelope.

Let me be clear: this bill is not opposed to the aid sent to restore peace and security in failed or fragile countries. On the contrary, what the bill says is that the money should come from two separate budget envelopes. We have to set guidelines for calculating official development assistance if we want truly effective aid, continuity and the ability to sustain our aid efforts for more than a few years.

This bill adds that not only must there be guidelines for official development assistance, but the total amount of assistance must be reported to our democratic institutions.

• (1820)

Parliament needs to know the total amount of development assistance our department of international cooperation is reporting to the OECD committee. What this bill aims to do, honourable senators, is improve accountability and make the calculation and reporting of official development assistance more transparent for everyone, especially parliamentarians and civil society organizations. The government campaigned on transparency and accountability and made good on its election promises with Bill C-2.

This bill specifies that the competent minister should report to the House of Commons and the Senate. In 2002, we learned from the Development Assistance Committee report that CIDA has not issued any annual reports intended for the public since 1995-96. CIDA prepares only reports to Parliament on plans and priorities and departmental performance reports, which are often difficult for the public to understand and do not necessarily contain clear statistics on development assistance.

According to the OECD, we have some work to do to make our assistance more transparent. CIDA has become an agency that is no longer accountable or responsible. It must become accountable and have a clear and transparent mandate. If we pass this bill, a lot will have to change in internal practices but this will ensure that we get honesty, transparency and responsibility when it comes to development assistance and we will thereby be able to monitor the evolution of the development process.

I would like to give you some background or historical context for this bill. This is not the first time, honourable senators, that such a bill or such recommendations have been presented to our Parliament. In 1987, some 20 years ago, parliamentary committees and the Auditor General looked into Canadian assistance to developing countries and the role of CIDA. All these reports were clear. Starting in 1987, the objective of reducing poverty became increasingly clouded by foreign policy objectives

and these reports calling for greater clarity in our official development assistance mandate became increasingly less available and identifiable.

Allow me to give you a few examples: in 1987, the House of Commons Foreign Affairs Committee published a report on official development assistance in Canada, better known as the Winegard Report, since the committee was chaired by Mr. Winegard from the Progressive Conservative Party. This report recommended the creation of a development charter, which would form the backbone of a legislative mandate for development assistance. This charter had to contain the following principles: the primary purpose of development assistance is to help the poorest countries and people of the world; and development priorities should always take priority over foreign policy objectives.

I will now take you back to 1994, to the Special Joint Parliamentary Committee reviewing Canadian Foreign Policy. I would like to acknowledge the participation in this committee of Senators Andreychuk, Carney and Comeau. They will recall that the report recommended once again having legislation setting out basic principles in order to guide official development assistance and to clarify CIDA's mandate.

The following year, in 1995, you have the government's response to the 1994 report of the Foreign Affairs Committee by Ministers André Ouellet and Roy MacLaren. The government took a critical first step by enunciating a development assistance mandate in its "Canada in the World" policy.

This policy clearly stated that the goal of Canada's development assistance is, and I quote:

— support sustainable development in developing countries, in order to reduce poverty —

This brings us to 1998, and the Auditor General's Report on CIDA. It encouraged the department provide a better indication of the potential impact of its activity since the reports were not submitted systematically, so it was difficult to see what had truly been accomplished over the year. This led to a lack of clarity in the parliamentary auditing method.

We move on to 2002, and the report of the OECD's Development Assistance Committee. This report was particularly critical of Canada. I quote:

Poverty reduction is not necessarily treated as the overarching goal.

CIDA's six priorities do not have a clear link to the reduction of poverty. According to the DAC's Creditor Reporting System in 2000, CIDA reported that only 26 per cent of its sector allocable projects in total amounts had poverty reduction as the principal objective. So, in 2002, the OECD committee recommended that Canada make the reduction of poverty a principal objective:

It will need to be mainstreamed throughout the agency with a clearer message of CIDA's mandate, stronger leadership and a more rigorous monitoring system.

It also indicated that the United Kingdom served as a model that Canada should emulate to create legislation aimed at reducing poverty. That was in 2002. It was not until the last

Parliament, however, in 2005, that we saw any multi-party support in favour of this type of legislation.

I must say, progress has been slow. This multi-party support was first manifested in an open letter sent to the Prime Minister of the time, the Right Honourable Paul Martin, on February 17, 2005. That letter, written by the Bloc Québécois, the NDP, and the Conservative Party, with Mr. Harper as party leader, called on the government of the day to implement a legislative framework that would establish poverty reduction as the ultimate goal of development assistance.

[English]

More specifically, if I can, the letter states:

The legislation should include an unequivocal statement of purpose that poverty-reduction is the central lens through which Canada's aid program should be delivered. Key elements of a legislated mandate must include mechanisms for monitoring: Accountability and reporting to Parliament; and enhanced public transparency. Such legislation would increase the effectiveness for Canada's aid contributions and consolidate public support for this important work.

Honourable senators, this is exactly what Bill C-293 does: It draws from this broad cross-party consensus and gives a legislative expression that meets these demands.

Following this letter, still in the history, on June 28, 2005, the House of Commons unanimously adopts a motion that calls on the Government of Canada to introduce legislation which will "establish poverty reduction as the priority for Canada's ODA . . . to ensure that aid is provided in a manner . . . respectful of the perspectives of those living in poverty."

We are being consistent, if maybe a little slow off the mark. In addition, private members bills, all similar in content, have been introduced by opposition parties' MPs in the last and present Parliament. The NDP MP Bev Desjarlais introduced Bill C-446 on November 16, 2005, but unluckily the bill died on the Order Paper when the general election was called.

• (1830)

Then the Conservative MP, Mr. Daryl Kramp, introduced Bill C-204 on April 6, 2006. However, the bill died after first reading.

The former NDP leader, Ms Alexa McDonough, introduced Bill C-243 on May 1, 2006. It died on the Order Paper after first reading.

Only Liberal MP Mr. John McKay has been able to garner the support of the leaders of the opposition and adopt a similar bill, Bill C-293. This bill, honourable senators, is therefore not the Liberal Party's bill, but an all-party bill — the history of it reflects that — which the Conservative Party, including Mr. Harper, as well as all the other political parties, were calling for in the last Parliament. The bill has a history of consistency in requiring that we achieve the aim of the reduction of poverty by our ODA.

Bill C-293 is, in fact, in line with the 2006 Conservative platform wherein the Conservative Party made a pledge to "make Parliament responsible for exercising oversight over the conduct

of Canadian foreign policy.” This is exactly what Bill C-293 intends to do. By providing a legislated mandate on ODA, there will be more accountability, monitoring and reporting to the Parliament on Canadian aid spending, giving it focus if not hopefully too much more paperwork.

Moreover, the recent report on Africa from our colleagues on the Standing Senate Committee on Foreign Affairs and International Trade, tabled in February 2007, made similar recommendations regarding CIDA and the effectiveness of our aid. Let me use their words, if I may:

If it is to be retained, CIDA should be given a statutory mandate incorporating clear objectives against which the performance of the agency can be monitored by the Parliament of Canada.

Honourable senators, the consistency that we are getting from both Houses in regard to this bill or this orientation in regard to bringing a mandated perspective to our foreign aid is extraordinary.

Honourable senators, if the 1987 Winegard report was the first document calling upon our government to look into the allocation of foreign aid in developing countries, then we can affirm that this bill builds on 20 years of reflection and discussion — this did not appear last year — on the importance to have a clear aid mandate that will really contribute to poverty reduction: Focused, focused and focused on poverty reduction. Without clarity of mandate and purpose, there can be no real accountability in aid spending. We can be, as too often is the case, all over the map and, in this case, all over the globe. This is why Bill C-293 is required and so essential.

Such legislation already exists in other countries. The United Kingdom, Sweden, Switzerland, Spain, Luxembourg, Denmark and Belgium have introduced legislation that limits ODA to poverty reduction purposes and differentiates it from other foreign assistance envelopes, be it for peace and security operations as an example or, even by extension, business interests, not to say self-interest. Bill C-293 builds on those models.

In 2002, the United Kingdom adopted the International Development Assistance Act. This act entrenched poverty reduction as the central goal of the foreign assistance program. The rationale was to prevent future governments from diverting — a strong verb — ODA resources for other purposes and to ensure — another strong action verb — that tied aid would be excluded in the allocation of ODA.

Switzerland and Spain have also had a similar law in existence since 1976 and 1998 respectively, with the ultimate and overarching goal of poverty alleviation.

Sweden is a very interesting model and has gone quite far in its legislation. It pushes the envelope. In the year 2000, Sweden adopted a bill that placed poverty reduction at the core of all government policies. They have an overarching policy and orientation. It takes international development from being a residual after everything else is met, to, in fact, a mainstream effort. Whereas the UK act and many other similar acts in other countries require that poverty reduction be the central purpose of

ODA, the Swedish act requires that all government activities be guided by the perspective of the poor. This is an innovative piece of legislation. This legislation moved that country from looking at international development and particularly poverty reduction from being something that we do when we have a few pennies left over to something of a major priority philosophy of that nation.

The U.K., however, is a good example, possibly even a great example, that shows the strength of such legislation. In comparison with Canada, Australia or even the Netherlands, which say that they are putting 1 per cent of GNI into international development, the British ODA has not massively been diverted to Iraq or Afghanistan over the last five years. We know to what extent the U.K. has been involved extensively in Iraq. The U.K. ODA act did not preclude the British Parliament from providing military and humanitarian assistance to Iraq or even to Afghanistan. However, their act made it clear that the money would not come from the ODA envelope.

By contrast, Australia, that does not have such a legislated mandate, is said to have, since 1997, diverted most of its ODA resources for national security interests. In 2005, the OECD found that Australia's aid program was “failing the global south” and that aid was increasingly being used explicitly as a tool for an interventionist foreign policy.

This is also the case with the Netherlands. Many NGOs have been critical that most of the Dutch ODA resources are used for arms security interventions rather than poverty reductions purposes.

I am not sure if we are looking at a peace-o-philie perspective of what international development should be, but there certainly seems to be a fundamental disconnect between foreign policy in regard to use of force and potential use of force and security and how you rebuild a country or build a country or pull it out of poverty.

Canada does not want to fall prey to the same criticisms, but we are setting ourselves up perfectly to go down that route. By endorsing legislation focussed on poverty reduction, Canada will avoid the lines being blurred between national security interests and the interests of the poor. Bill C-293 will help prevent ODA from being spent on any flavour-of-the-month foreign policy objectives and ensure that ODA resources are really going to the world's poorest. Canada ought to be in the forefront of these innovative and responsible approaches, along with some of the other European countries that have demonstrated already that very transparent leadership. We should be part of that paradigmatic exchange in delivery of development assistance.

[Translation]

I must point out, however, that the bill was not unanimously welcomed when it was presented to Parliament in May 2006. Reservations had been expressed by certain witnesses who appeared before the House of Commons foreign affairs committee.

If I may, I would like to briefly explain the major concern that was repeatedly mentioned by many individuals, and respond to that concern, because it contributed to a certain bias concerning what this bill would and would not do.

• (1840)

[English]

The major concern that has been expressed by some MPs on the government side, and by DFAIT representatives before the House of Commons committee, is that this bill would limit Canada's ability to pursue its national interests and would take the focus away from peace and security initiatives such as the stabilization and reconstruction task force at DFAIT, which gets approximately \$100 million per year and is still trying to figure out how to use it.

In reality, Bill C-293 places absolutely no limits on government spending. To be sure, all activities and programs that DFAIT or CIDA have on human security — a term that seems to be disappearing over there — on peace and security, or any funding going for core activities of multilateral organizations, and which have usually been taken from the foreign assistance envelope, shall continue unless the Prime Minister decides otherwise in his budgets.

Bill C-293 essentially says that ODA, which is only a portion of our foreign assistance envelope, will be exclusively destined to poverty reduction projects and activities. It specifies and qualifies our aid instead of taking it all from the same envelope. It does not intend to put an end to current funding on national interest projects. Is the reduction of property in the world primarily a national interest objective or is it, in fact, a humanitarian dimension that a developed country should be involved with and committing itself to?

Why should we adopt this bill? I am being very transparent. We should adopt it primarily because Canada should lead by example — an interesting dimension for us — and be a model for other countries to adopt such legislation. We can start taking over again a leadership role in the international spheres of humanitarian efforts and in the role of helping establish and stabilize peace in many of these imploding nations. We might even get as far as preventing catastrophes from happening.

We should not aim to be the last developed country to do so. It has been determined by debate in our Parliament for the past 20 years that this bill makes sense, but there has been no leadership to make it happen in a series of governments of different colours. Let us be at the forefront of this major shift in the delivery of ODA.

Bill C-293 enjoys cross-party consensus among opposition leaders, including the Conservative Party in the last Parliament. It is the product of more than two years of reflection and discussion in successive Parliaments. We have had more than enough opportunities to amend the bill and make it viable. The bill has extensive grassroots support from many civil society organizations, including the Canadian Council for International Cooperation, which is comprised of more than 100 Canadian voluntary sector organizations or NGOs. In fact, a petition presented to the House of Commons on March 22, 2007 from Engineers Without Borders cemented the Canadian desire to have such legislation. The petition was signed by 11,713 valiant engineers from Canada. It asked Parliament to “enact legislation to ensure that all Canadian development assistance contributes to poverty reduction, takes into account the perspectives of the poor, and is consistent with Canada's human rights obligations.”

Moreover, Bill C-293 is backed up by a worldwide movement started in 2005 against world poverty. More than 230,000 Canadians and over 700 NGOs have signed on to the “Make Poverty History” petition which urges the Canadian Parliament for more and better aid and to enact legislation to make ending poverty the exclusive goal of Canadian foreign aid. This is in addition to the 23 million people worldwide who are calling upon rich and developed countries to make poverty history.

Bill C-293 is at a turning point. Such legislation has been requested by Parliament, civil society organizations and thousands of Canadians. It has an international perspective that falls well within what developed countries should be doing. Several reports have studied this matter over the last 20 years. There is no need to further investigate this issue. Much has been done time and again and both Houses have been consistent in what we want to achieve. The bill comes before us today in the Senate for our sober second thought and approval, which sober second thought has already been provided.

In conclusion, honourable senators, I wish to quote Jeffrey Sachs, the special adviser to the UN Secretary-General, Ban Ki-moon, and former director of the UN millennium project:

All of the incessant debate about development assistance and whether the rich are doing enough to help the poor actually concerns less than 1 per cent of rich world income. The effort required of the rich is indeed so slight that to do less is to announce brazenly to a large part of the world: “You count for nothing.”

Honourable senators, this is a call for action. Leadership has been demonstrated and the torch has been passed on to us. Let us show developing countries that we care about them, that Canada intends to devote more and better aid to them so that they can get out of the poverty trap that will keep them in inhuman conditions. Let us be at the forefront of the significant shift in development assistance that ought to take place if we wish to bring change to the root causes of poverty, the same things that cause instability and, ultimately, the implosion of nations, massive abuses of human rights and even genocide.

Poverty is not systematic. Rich countries have at times even created it and have built on the poverty of others. We have seen the rape of many colonies by European powers in the past. We have a responsibility to reverse this trend. In doing so, we need to address the source of the problems rather than resorting to band-aid solutions as we have done over the past decades, from which we have a hard time identifying positive results. As the Senate report on Africa mentions, the world has invested approximately \$568 billion on foreign aid in Africa since 1960, and relatively little has changed.

As of 2007, 1.2 billion people live in abject poverty; more than 800 million people go to bed hungry; 50,000 people die every day from poverty-related causes which are entirely preventable; and each year 17 million people die of diseases that we know how to cure.

Are all humans human? Do all humans count, or do we count more than others to the extent we cannot even move to 0.7 per cent of our gross national income for nearly half of the population of the world?

There is a real need to rethink how our ODA is allocated and for what purposes. The Senate report on Africa states it well. It says:

...development aid must radically change and must be scrutinized for effectiveness, efficiency, and results. . .

Bill C-293 is a first step in that direction. It is a crucial step if we are serious about making poverty history and we really want our aid to be more accountable and more effective on the ground.

Moreover, in the year 2000, 189 countries, including Canada, pledged to achieve, before 2015, the millennium development goals, the first of which is to "eradicate extreme poverty and hunger." More specifically, we, the developed countries, the have countries of the world, agreed "to reduce by half the proportion of people living on less than \$1 a day."

• (1850)

At the current pace — and with our current methodology of prioritization, with international development being a residual and at that being permitted to go all over the map and, as I said previously, all over the globe, without any consistency or even transparency — if Canada does not adopt this proposed legislation, then Canada will not be able to honour its commitment. There is a credibility gap that is growing between this country and its position internationally, and it is a credibility gap that is growing in our disfavour in front of the developing countries who look at us as a country of example, as a country of reference, as a country of people who believe that human rights and the right to security and the right to life is not just for the rich but for all humans. We have, for the first time, a unique chance before us today with this bill, as well as grass roots momentum out there, to make such proposed legislation a reality.

Honourable senators, I hope this bill will not stay too long in this chamber. In fact, I would love it see it moved expeditiously and even, if I may use the term, fast-tracked.

A duty is awaiting our Canadian government — that is, to save the lives of millions of children and women and elderly across the numerous countries that are underdeveloped, underfunded and in poverty. During the time in which I have been delivering this speech, just as an example, thousands around the world have probably died because of our inaction or because our aid does not reach out to the world's poorest. Time is running out. Time is short. People are dying. This is not an exercise in hopelessness; on the contrary, the bill in front of us is one of the initial instruments to bring hope, to bring optimism and ultimately to eradicate poverty — which, if we really want to push our self-interests aside, will eliminate ultimately the chances of imploding nations falling into catastrophic failure. We must overcome our differences in this chamber in this regard and pass this important bill as soon as possible.

[Translation]

Honourable senators, sooner or later during our travels around the world, we have all had the opportunity to put names and faces to poverty. Therefore, honourable senators, I urge you to think of that child, that woman, or that village, when the time comes to pass this bill. We must act now and make it our mission to convince other developed countries to get behind this millennium objective.

I would like to end with the words of a person who still symbolizes the fight for equality and the fight to end segregation between Blacks and Whites, rich and poor. That person is Nelson Mandela.

[English]

In this new century, many of the world's poorest countries remain imprisoned, enslaved and in chains. They are trapped in the prison of poverty. It is time to set them free. Like slavery and apartheid, which we fought, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of other human beings.

[Translation]

Where there is a will, there is a way. Let us get started.

On motion of Senator Keon, for Senator Segal, debate adjourned.

ROYAL ASSENT

The Hon. the Speaker *pro tempore* informed the Senate that the following message had been received:

RIDEAU HALL

April 18, 2007

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 18th day of April, 2007, at 6:37 p.m.

Yours sincerely,

Curtis Barlow,
Deputy Secretary, Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Wednesday, April 18, 2007:

An Act to provide for the resumption and continuation of railway operations (*Bill C-46, Chapter 8, 2007*)

[English]

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY
OF NATIONAL SECURITY POLICY

Hon. Colin Kenny, pursuant to notice of April 17, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on National Security and Defence which was

authorized to examine and report on the national security policy of Canada, be empowered to report no later than March 31, 2008; and

That the Committee retain all powers necessary to publicize its findings until May 31, 2008.

He said: Honourable senators, although this has been a long day, I should like to thank Senators Comeau and Tardif for ensuring that this matter was included in the business of today. I move the motion standing in my name.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: On division.

Motion agreed to, on division.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I believe there is consensus to stand all remaining items on the Order Paper and Notice Paper in their place.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, April 19, 2007, at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 87

OFFICIAL REPORT
(HANSARD)

Thursday, April 19, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, April 19, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE AGNES BENIDICKSON

Hon. Janis G. Johnson: Honourable senators, I rise today to pay tribute to Agnes McCausland Benidickson, a great Canadian who gave this country a lifetime of outstanding achievement.

Although many of us in this chamber knew Agnes Benidickson as the wife of the Honourable Bill Benidickson, a former Member of Parliament and senator, I first came to know her as the daughter of Winnipeg's renowned businessman, James Armstrong Richardson.

Agnes' brother, who is likewise named James A. Richardson, served under the Trudeau government as Minister of National Defence. Agnes achieved prominence in her own right, serving as the first female Chancellor of Queen's University, and receiving both the Order of Ontario and Companion to the Order of Canada.

Agnes was a modest woman, and it was her tireless commitment to community and country that will always be remembered. She was born in fortunate circumstances and grew up meeting family dinner guests such as Winston Churchill.

The family fortune was built on hard work and constant innovation. In 1926, for example, her father purchased a rough, open-cockpit bush plane and hired a war hero to fly it. That single airplane, which Richardson dubbed *The City of Winnipeg*, launched the company that would later become Canada's first national airline.

Her mother, Muriel Richardson, was likewise a prominent community leader and was once described as "The First Lady of Canadian Business." From both her parents, Agnes Benidickson learned the value of hard work and dedication to one's community. As a young woman during the Second World War, she volunteered for the Red Cross in Winnipeg. Prompted by the strong social conscience that drove her for the rest of her life, she went on to serve as President of both the Canadian Council on Social Development and the national Association of Canadian Clubs.

In 1980, she was elected Chancellor of Queen's University, succeeding Roland Michener. Normally, the Chancellor of Queen's is a three-year position, but her tremendous effectiveness in that role resulted in her being re-elected for an unprecedented 16 years.

She loved her work in public service, so much so that her admiring colleagues once gave her a licence plate with one word: "Queens."

During her time there, Agnes conferred 64,000 degrees to individuals ranging from prison convicts to Prince Charles. She was uncomfortable with being singled out for praise, and upon her retirement, she declined several offers from the university to name a building after her. Knowing her love of nature, the school instead named a campus green space, Benidickson Field.

When she attended Queen's as a student, Agnes Benidickson won the coveted Tricolour Award. Fifty years later, she was deeply touched when the school renamed the award after her. The award is the highest tribute a student can receive for extracurricular activity, and the students of Queen's will never have a better role model. I extend my deepest sympathies to her family.

• (1340)

MR. SERGE D. GOURGUE

DIRECTOR GENERAL, PARLIAMENTARY PRECINCT SERVICES—TRIBUTES ON RETIREMENT

Hon. George J. Furey: Honourable senators, I would like you to join with me today to pay tribute to one of the most hard-working members of our Senate staff, Mr. Serge Gourgue.

Serge is leaving his position as Director General of Parliamentary Precinct Services to join the ranks of the retired. I must admit that the news of his retirement left me somewhat disappointed for our institution, but at the same time somewhat happy for Serge and his wife, Marielle.

As we all know, he has brought his single-minded dedication to everything that he has worked on in the Senate. A 16-year veteran with the Senate administration, he ran Parliamentary Precinct Services with the same sense of responsibility and commitment that marked his years of service with the Canadian Armed Forces. It is because of that sense of commitment that his directorate is such an admired and well respected unit in the Senate, throughout the government and indeed in many other jurisdictions. Our institution has been well served by this dedicated and loyal public servant.

Whether it is the Accommodation and Planning unit or Protective, Material and Building Services, everything runs like clockwork. Each directorate is a testimony not only to his managerial skills, but also to his ability as a leader and mentor to his team. Indeed, it was always as a team member that he viewed himself. Whenever there was credit due for successes in enhancing services, upgrading technology or dealing with the ever-difficult task of juggling accommodation requirements, Serge always deferred that credit to his team.

Honourable senators, it is now time to accord credit where credit is due. Please join me in extending a warm and heartfelt thanks to our friend Serge Gourgue for his meritorious service to the Senate and the Government of Canada and to wish him, his wife, Marielle, and his family the very best as he begins this new phase of his life.

[Translation]

On behalf of all the honourable senators, I wish him a well-deserved retirement.

Hon. Pierre Claude Nolin: Honourable senators, I would also like to express the sincere gratitude of this chamber to the Director General of Parliamentary Precinct Services, Serge Gourgue, who is unfortunately leaving us to take what I hope is a well-deserved retirement.

Since he first came to the Senate 16 years ago, Mr. Gourgue has taken on a number of challenges under the Clerk of the Senate and the Parliaments, Mr. Bélisle. His vision, insight and determination have greatly contributed to improving safety on the Hill, upgrading the Senate's facilities and services, and improving the effectiveness, and particularly the efficiency of the services, and of the employees working under him who were providing these services.

I would be remiss if I did not highlight his significant contribution to establishing a workforce that is diverse and more accessible to persons with a disability, and a healthier environment.

The Parliament buildings are an important symbol of our democracy, our history and our architecture. Those who have worked alongside Serge Gourgue, in the Senate or in the organizations we rub shoulders with, will never forget his active involvement in protecting and preserving these national treasures, all the while maintaining efficient operations in the Senate and giving the public access to their Parliament.

We knew we could count on Mr. Gourgue's availability, ingenuity and judgment. His commitment to serving the Senate was a source of inspiration to us. He has excelled in his work, and his leadership has won our admiration.

The Senate administration will not soon forget the extent of his numerous services, equalled only by the wisdom he has always demonstrated.

• (1345)

Personally, I hold Mr. Gourgue in the highest esteem and I am saddened by his departure. I am consoled by the knowledge that he set an excellent example for those who will succeed him and who will, I am convinced, carry on the values that he cherished and that have served us so well.

On behalf of all honourable senators, I would like to wish him a happy, fulfilling retirement. May the well-deserved recognition he is receiving here today always remind him of our sincere gratitude and unfailing friendship. I would also like to join his family and friends in wishing him happiness and contentment in all his future endeavours. For, without a doubt, we know that he still has many projects in mind and many years ahead to achieve them all.

Thank you, Serge.

[Senator Furey]

[English]

AIR FORCE APPRECIATION DAY

Hon. Joseph A. Day: Honourable senators will have noticed a number of air force personnel on Parliament Hill today, helping to commemorate Air Force Appreciation Day. Honourable senators will also know that the air force is the junior force within the Canadian Armed Forces, but that has not prevented it from developing a wonderful history. Air crews served as part of the British Army, Royal Flying Corps and the Royal Navy Air Service during the First World War.

Following the First World War, the Canadian Air Force was established and in 1924 the prefix "Royal" was added to help create the Royal Canadian Air Force.

During the Second World War, the air force grew exponentially to become the fourth largest air power in the Allied Forces, having at its peak over 200,000 personnel. In Canada, a vast training organization was established to train air crews, such that by 1943 Canada was training 3,000 air crew per month. Over a period of three years, over 82,000 air crew were trained in Canada under the British Commonwealth Air Training Plan.

Today, the Canadian Air Force is an important and integral part of the Canadian Armed Forces, providing many different services, including fighter aircraft as part of NORAD activity, search and rescue operations, aid to government departments, particularly in the North and on the East and West Coasts, support to fisheries, immigration and the Royal Canadian Mounted Police, and gathering information.

For the future of the air force, honourable senators, all of those activities will continue, including the transporting of Armed Forces personnel and the resupplying of Armed Forces personnel on operations throughout the world.

With respect to the future of the Canadian Air Force, there is an increasing use of uninhabited aerial vehicles to gather information over large geographic areas, and the air force's participation in the space program, with astronauts such as Canadian Air Force Colonel Chris Hadfield.

Honourable senators, there is a reception this afternoon, from five until seven o'clock in room 236-S, to which I invite all of you. Air force and air space personnel and retired personnel will be in attendance. They would very much like to see you drop by for a short while.

THE LATE MURIEL MCQUEEN FERGUSON

Hon. Marilyn Trenholme Counsell: Honourable senators, during our Easter break I paused to remember a woman who distinguished my province of New Brunswick perhaps more than any other. The Honourable Muriel McQueen Fergusson, PC, OC, QC, died on April 11, 1997. A decade later, she is spoken about with profound reverence, with deep respect, with enduring gratitude and with boundless love.

This winsome, tiny lady was a monumental figure in New Brunswick, in Canada, and, yes, right here in the Senate. It gives me a very special feeling every time I stop to look into her

face, on the magnificent portrait hanging beside our chamber. She speaks to me even today, just as she did more than a decade ago whenever I had the privilege and the joy of being with her.

• (1350)

In her gracious, utterly simple way, she inspired me and countless others to hold fast to our ideals, our principles and our vision. She led by example through her energetic and tireless pursuit of a nobler, more humane society.

The years did not seem to matter. It was the fight against family violence that kept her spirit so young to the end and for which she is immortalized through the Muriel McQueen Fergusson Foundation and the Muriel McQueen Fergusson Centre for Family Violence at the University of New Brunswick.

It is with the utmost humility that I have offered this tribute to the first woman to have been Speaker of the Senate of Canada, and it is with the deepest admiration that I will continue to tell her story to others, especially to young women. The Honourable Muriel McQueen Fergusson continues to be a blessing and a guiding light for all who seek to leave a positive footprint in the sand when we have crossed the bar.

FUNDING FOR TREATMENT OF AUTISM

Hon. Jim Munson: Honourable senators, as you know, last month the Standing Senate Committee on Social Affairs, Science and Technology released its final report — *Pay Now or Pay Later* — on my inquiry on the funding for the treatment of autism.

While I am proud of that report and pleased that the Senate has brought the issue of autism to the attention of the government and to the people of this country, this is just the beginning. The next step is for the government to take the recommendations, put some policies in place and ensure that the Canadian families who are coping with this crisis are not alone.

A report is nothing if it is not backed by action. Autism affects 50,000 children and 150,000 adults in Canada, and those numbers are growing. This report draws our attention to a pressing and urgent issue — but it does not deliver treatment. It does not provide a break for families who are faced with the full-time care of a high-needs child. It does not pay the bills that are neglected because of the high cost of private autism therapy. It cannot mend the marriages that break up due to the stress autism causes in a family. The incidence of autism is a crisis that requires a national strategy.

We talk about waiting lists for surgery, cataract surgery and knee and hip replacements — and of course, we need to shorten these waiting lists. However, we have another waiting list. Children with autism across Canada are on waiting lists to get treatment. Some will never get treatment because they will not be eligible after a certain age. Some will be eligible for treatment but no therapists will be available. Others still will regress into silence and isolation after their treatment, judged no longer necessary, is withdrawn.

We recognize as a nation the need to tackle health issues together. Cancer, strokes, heart attacks, obesity, all of these health issues affect Canadians across the country and we all

consider them worthy of national action and attention. My hope is that the Senate report will take us one step closer to putting autism on the list of urgent health issues that require our immediate attention.

THE LATE JUNE CALLWOOD, O.C., O.ONT.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise in a belated tribute to the passing of an extraordinary Canadian and a good friend — June Callwood. June was a beautiful woman inside and out. June Callwood, what a lovely name, fresh as spring and as inviting as our trees and forests.

June was more than an acquaintance. She became a friend and advocate for any good cause that warranted public attention, especially for the underdog. June was quiet, graceful, elegant and witty; her gentle demeanour hid an inner will of steel and a heart of great passion and compassion for people and unpopular causes.

People rightly called her “the conscience of Canada,” but June was more. She was a woman of many talents, a Renaissance person, a writer, a commentator, an author, a licensed pilot, an avid swimmer and sportswoman, and always an articulate spokesperson for the neglected underside of our society.

June was the first advocate, I believe the very first advocate, for those suffering from AIDS, at a time when it was not popular in our country. She was always the first to take on unpopular causes and transform public opinion.

• (1355)

June had no enemies. No one ever said an unkind word about her. She was blessed with legions of friends and admirers.

June, your race is run, your battles done, your victories won; now come to rest.

Our hearts go out to Trent Frayne and June’s wonderful and talented family and friends. Regrettably, honourable senators, I doubt that we will see the likes of a June Callwood again in our time.

To you, June, *pax vobiscum*, Godspeed.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of the Honourable David Hawker, Speaker of the House of Representatives of Australia, and a delegation of distinguished members of the Senate and House of Representatives of Australia. The Speaker and the delegation are accompanied by His Excellency William Fisher, the High Commissioner of Australia to Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday April 19, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTEENTH REPORT

Your Committee, to which was referred Bill C-26, An Act to amend the Criminal Code (criminal interest rate), has, in obedience to the Order of Reference of Wednesday, February 28, 2007, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

OBSERVATIONS TO THE FIFTEENTH REPORT OF THE STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE (BILL C-26)

The Standing Senate Committee on Banking, Trade and Commerce has the honour to report Bill C-26, An Act to amend the Criminal Code (criminal interest rate), without amendment, but with the following observations.

The Committee has decided to report Bill C-26 without amendment, even though we have reservations about the Bill as drafted, because of the following factors.

First, the Committee unanimously supports measures designed to facilitate the protection of consumers in respect of payday loan services and does not wish to delay access to legislated protection for these borrowers, some of whom we believe to be vulnerable. We have some familiarity with the section of the *Criminal Code* that would be amended by the Bill as well as with issues related to payday lending. In particular, in 2005, we examined a bill proposed by our former colleague, Senator Plamondon, which also sought to amend section 347 of the *Criminal Code*, and — in the context of our study of consumer protection in the financial services sector — heard from witnesses on the subject of alternative financial service providers, particularly payday lenders.

We continue to be somewhat puzzled by the reasons underlying the rapid growth of the payday lending sector. This growth suggests that the services provided by such lenders are needed by consumers. Important considerations for us are the reasons for the emergence and growth of this

sector as well as what appears to us to be a lack of involvement by chartered banks in short-term, low-value lending.

During its recent presentation to us on Bill C-37, the Canadian Bankers Association indicated that it, too, is perplexed. It also indicated that the chartered banks provide a range of credit options on a short-term basis. Nevertheless, the Committee believes that the payday lending sector's growth may be related, in part, to a relative unwillingness by Canada's chartered banks to lend to certain borrowers, who then become customers of payday lenders. Consequently, we urge Canada's chartered banks — which are federally regulated, belong to an independent complaint resolution mechanism, and are involved in some aspects of financial education — to begin making short-term, low-value loans.

Moreover, we believe that implementation of the proposed legislation could result in the federal government granting exemptions to designated provinces with insufficient assurances that provincial actions would provide the level and nature of consumer protection in this sector that this Committee seeks. As well, there is no assurance that all provinces will enact protection measures following enactment of this legislation. Finally, we are concerned that a patchwork of non-uniform protection measures could develop across the country.

Thus, we urge provinces, in adopting consumer protection measures pursuant to this Bill regarding the payday lending sector, to include minimum requirements in at least the following areas: limitations on rollovers and back-to-back loans; mandatory participation by payday lenders in an independent complaint resolution mechanism; mechanisms ensuring full and accurate disclosure of contract terms; acceptable debt collection practices; and a right for the borrower to rescind the loan and obtain full reimbursement no later than the end of the day following the making of the loan. Efforts made by payday lenders in the area of consumer financial education would also be welcome.

Consistent with the Committee's mandate, we will continue to monitor developments in the payday lending sector, and hope that the enactment of Bill C-26 will allow effective protection to consumers. In our view, if the provinces fail to meet minimum standards in the areas indicated above, the federal government should take appropriate legislative action.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

CANADA PENSION PLAN OLD AGE SECURITY ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday April 19, 2007

[Translation]

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SIXTEENTH REPORT

Your Committee, to which was referred Bill C-36, An Act to amend the Canada Pension Plan and the Old Age Security Act, has, in obedience to the Order of Reference of Tuesday, April 17, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 24, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

• (1400)

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF GOVERNMENT POLLING— APPOINTMENT OF DANIEL PAILLÉ

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and Government Services, Mr. Fortier. Although he showed a great deal of strong emotions yesterday, he did not answer any questions.

I will therefore ask the same question again today. Why is it that when the Auditor General said, and I quote:

[English]

... we found that the government managed its public opinion research activities adequately.

The minister saw fit to ask for and to provide Mr. Paillé with a budget from public funds, which he stated may total up to \$1 million. He also gave Mr. Paillé access to all documents, including those on the federal strategy for the referendum debate. Is the minister not making all federalists vulnerable to the separatist threat?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank Senator Tardif for her question. I would like to remind you that the 2003 Auditor General's report indicated that there were concerns arising from small sample of polling contracts.

It was a promise our party made during the 2005-06 election. There was nothing secret about it, it was all transparent. If we formed the government, we were going to ask someone to examine a much larger sample. We shared the concerns expressed by the Auditor General.

As for the possibility of Mr. Paillé discovering information that could harm federalism, I will not speculate for the time being. His mandate is limited to the contracts given by governments for polling. Thus, I am inclined to believe that the honourable senator's fears are probably unfounded.

Senator Tardif: I am speaking, Mr. Minister, of the choice of individual. Will the minister explain to an Albertan such as myself why he chose someone who not only voted in favour of the referendum but who initiated it and who, when a minister in Mr. Jacques Parizeau's cabinet, contributed to the ambiguous question of 1995 and wished to trick Quebecers into breaking up our wonderful country?

• (1405)

Senator Fortier: Honourable senators, I was explaining this to Senator Dawson yesterday. I am talking to an Albertan, but I know you are well aware of what goes on in Quebec and I am quite pleased about that. The result of the 1995 referendum was especially close and Quebec society has changed. I invite you to consider the results of the provincial election on March 26. I do not want to spend too much time analyzing this result, but I think the scene is changing in Quebec.

Yesterday I mentioned that one of my sisters voted yes in the referendum. There are men and women who have moved on to other things. Mr. Paillé came to Ottawa yesterday, to appear before the Parliament of Canada with me to accept this mandate. Instead of worrying for nothing, I ask that you wait for his report and once it is tabled — again, I want to stress that it will be public — I invite you to read it and if you still have apprehensions, we could discuss them then.

[English]

Hon. Tommy Banks: My question is to the honourable minister. I did not ask a supplementary question yesterday, because I thought I might have been distracted. However, having checked the Hansard I see that I was not distracted.

Yesterday, Senator Mitchell put the following question to Senator Fortier — and I quote:

... could the minister confirm today that he has no personal relationship, no business relationship or no other form of conflict of interest ...

— in respect of Mr. Paillé?

The minister did not answer that question directly, one way or the other. Could the minister answer that part of the question?

Senator Fortier: Is the honourable senator asking me whether I knew Mr. Paillé personally? If that is his question, my answer is that I knew of him. I had met Mr. Paillé previously. There are no conflicts of interest. Mr. Paillé is hired by the Government of Canada for a particular mandate.

I forget the third part of the question.

Senator Banks: The minister has answered all parts, except whether he has a business relationship with Mr. Paillé.

Senator Fortier: I do not, senator.

[Translation]

Hon. Dennis Dawson: Honourable senators, I did not have a chance to check with the Minister's sisters, but in 1995, one of them was a Liberal member of the National Assembly and certainly should have been on the no side. She must have been surprised when the minister took part in the strategy to divide our country. I do not doubt the Minister's allegiance to Canada, nor that of his family, and I think strategically voting yes in a referendum does not make you an evil separatist. We agree that there is a distinction between someone who actively works on promoting a referendum to divide Canada and someone who, in good faith, thinks this would put pressure on the government.

That being said, I want to come back to Mr. Paillé. He is described as an extraordinary man, but are we talking about the same Mr. Paillé who proposed a business start-up assistance program that resulted in Investissement Québec filing losses of 66 per cent of the guaranteed financing, when the original proportion was supposed to be only 35 per cent? Is this the same Daniel Paillé who proposed a business start-up assistance program that was criticized by Quebec's auditor general, Guy Breton? Some 2,544 projects failed in 28 months, which was a failure rate of 75 per cent. Is that the same Daniel Paillé?

Senator Fortier: The Daniel Paillé selected by the Government of Canada is an emeritus professor of ethics at the Montreal HEC. He is a leader in this field in Quebec and elsewhere. He is highly respected in Quebec society. That is the Daniel Paillé who will be conducting the analysis.

Senator Dawson: Have I understood correctly that this is the same Daniel Paillé who proposed the creation of 54,000 new jobs as part of the investment program even though Quebec's auditor general estimated that only 1,900 jobs were created? I can understand that he might be a good professor, but a minister is allowed to have some doubts.

Is this really the same Daniel Paillé who proposed a business start-up investment program whose selection criteria were so flimsy that 125 fraudulent business plans were financed, robbing

Quebec taxpayers of \$6 million? Are we talking about the same Mr. Paillé?

Senator Fortier: Honourable senators, if the senator wants to accuse Mr. Paillé of having participated in a robbery — that is the word he used, and this is turning into a habit, a virus on his side — then I would urge him to have the courage of his convictions. People are very outspoken here in this chamber, but they tone things down when they leave this place. I could go on, but I would rather not.

I can tell you that Mr. Paillé was selected because he has an outstanding academic and professional background that matches up very well with the task we have given him.

Senator Dawson: I was quoting the January 20, 1996, edition of *Le Soleil*. That is the Quebec City paper. Perhaps the minister has forgotten part of his past in that region, which sends a lot of people to Montreal. Mr. Paillé might have made an excellent chair of the Old Port of Montreal. The minister could have chosen him instead of Bernard Roy from his old office, who was also his colleague, the Leader of the Senate's former boss.

It just so happens that Mr. Roy has become the chairperson of the Old Port of Montreal. Is he not from the same legal firm, Ogilvie Renault, that people said was connected with CGI?

Senator Fortier: I am very surprised at Senator Dawson's ability to splatter several people at once. He is like a machine gun out of control. I am not sure that his colleague, Senator Francis Fox, whom I was watching while Senator Dawson talked about Mr. Roy, is very proud of him. He should not be very proud of himself.

Mr. Roy has agreed to chair a board of directors and is going to devote time to this extremely important corporation in Montreal. Senator Fox can tell you about it. If you have a couple of minutes, I am sure he will tell you about it outside this chamber.

Senator Dawson: Honourable senators, can the minister explain the selection process to us?

Senator Fortier: Honourable senators, Mr. Roy was appointed by the minister responsible for the Old Port Corporation, Mr. Cannon. The cabinet unanimously approved his appointment, and we were very proud to be able to count on a man like Mr. Roy.

[English]

AWARDING OF CONTRACT TO CGI GROUP INC.—POSSIBLE CONFLICT OF INTEREST

Hon. James S. Cowan: Honourable senators, my question today is for the hyper-sensitive and surprisingly thin-skinned Minister of Public Works and Government Services. The minister's disdain for this institution is well known, as is his desire to leave it as soon as he possibly can.

Yesterday, I gave the minister an opportunity to clear up, once and for all, the public controversy concerning a possible conflict of interest with respect to the awarding of a \$400 million contract

to CGI. Instead of seizing that opportunity, the minister resorted to cheap personal attacks on the reputations of members of this chamber.

Although the minister makes only brief cameo appearances in the Senate during Question Period and never participates in our debates or committee work, does he, however, appreciate that this is intended to be a chamber of sober second thought and, if so, would he today address the substantive issues I raised yesterday?

Hon. Michael Fortier (Minister of Public Works and Government Services): I would ask the honourable senator to raise those issues again because, frankly, I think they were addressed yesterday.

Senator Cowan: I will be pleased to do that.

On Monday, the minister's parliamentary secretary said in the other place that the contract had not been awarded, and I understand that yesterday he said that it had. Can the minister clarify that for me?

Senator Fortier: When the department is in a position to announce that a contract is awarded, whether it is this contract or any one of the thousands of contracts that it monitors, it will make an announcement.

Senator Cowan: What was the intention of the conflicting comments made by the minister's parliamentary secretary in the other place on two different days this week?

Senator Fortier: I cannot answer for my parliamentary secretary. The honourable senator suggested in his introduction that I only make cameo appearances. I am here, so ask me questions and I will reply. My reply is the same as a moment ago: When the department has something to announce in terms of a contract award, the department will let the public know.

Senator Cowan: If the contract has not been awarded, will the minister assure this house that the ethics rules contained in the Federal Accountability Act will be complied with and that the contract will not be awarded until the Public Service Integrity Officer has had a full opportunity to determine whether or not there is, in the words of the accountability act, "a real, apparent or potential conflict of interest?"

• (1415)

Senator Fortier: As I indicated yesterday, this contract, like the thousands of others that transit through Public Works and Government Services Canada, is managed by civil servants. As the honourable senator should know, the minister is not involved and should not be involved, directly or indirectly, in the selection or awarding of any such contracts.

In response to the senator's question, the rules and regulations have been followed, and there is nothing else to add.

[Translation]

PUBLIC SAFETY

FIREARMS CENTRE—HANDGUN REGULATIONS

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to go back to a question I asked yesterday about gun registration.

In her answer yesterday, the Leader of the Government in the Senate distinguished between handguns and long guns, arguing that that was why the government would continue the amnesty for people who do not register long guns, despite the legislation on the books in this country.

I would like to ask the Leader of the Government in the Senate whether she is aware that the people working in the field do not accept this distinction as a rationale for such an amnesty.

Yesterday in Montreal, for instance, at a ceremony to pay tribute to the police officers and constables who participated in the rescue operations following the tragic events at Dawson College, one of the officers being honoured, Lieutenant Martin Day, took the opportunity to give his opinion. I will read the quote in English as it appeared in the *Montreal Gazette*:

The control of firearms, in general, should not be weakened but tightened up.

Lieutenant Francoeur, President of the Montreal Police Brotherhood, went even further:

In Montreal and in Quebec, there is a very strong consensus on the subject of maintaining the firearms registry.

He went on, specifically, about the distinction made yesterday by the Leader of the Government in the Senate, when he added:

If the government takes long guns out of the gun registry, crooks will simply turn to modified hunting rifles to commit their crimes.

If the government is not moved by the statements made by the Attorney General of Ontario or the Premier of Quebec — who, during the swearing-in of Jacques Dupuis as the new Minister of Public Safety, asked him to draft a new bill to increase control of semi-automatic firearms — perhaps the government would be more inclined to listen to the people who work in this realm every day and who are responsible for maintaining order and safety in our streets?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Of course, the government takes into account the opinions of people who have strong views on this subject. The honourable senator talks about the Attorney General of Ontario. It was only a few short weeks ago that he was highly critical of the Liberal opposition for their inaction in supporting the government on tough laws against guns and on tough crime laws.

With regard to the amnesty, the government is committed to ensuring that firearms owners comply with the laws of Canada. Effective gun control involves encouraging compliance among firearms owners and encouraging former licence holders to come back into compliance with the existing licensing and registration requirements. That is why we are seeking comments on a proposal to extend the firearms amnesty for one year.

As I said yesterday, there is a lot of misinformation — and it is deliberate in confusing the public with the horrific issues of crimes committed by handguns, both automatics and semi-automatics. This young, deranged man was able to buy not one, but two

handguns in the United States; that just would not have happened in Canada. In this country, purchasing a gun involves background checks and a time delay between the initial application of a permit and the issuance of that permit. If guns are smuggled into Canada and find their way into the hands of such people illegally, that is a different story. The government is making a concerted effort to put a stop to such activities by making our borders more secure against the importation of illegal firearms and by strengthening the penalties applied to those who use firearms in the committing of a criminal offence.

• (1420)

Nothing has changed. Yesterday, people needed to register if they wanted to acquire a firearm. Today, if they want to acquire a firearm, they need to register. Tomorrow and into the future, anybody wanting to acquire any type of firearm needs a licence. That requirement is not changing.

As I mentioned yesterday, we have allocated, in the budget of 2007, \$14 million over two years to improve front-end screening of first-time firearm licence applicants. This screening will help prevent firearms from falling into the wrong hands.

[Translation]

Senator Fox: Honourable senators, I can relate to many elements of the Minister's response, but one thing must remain very clear. There is no point in talking about the Americans. We are talking about the situation in Canada. The quotations I referred to are quotations from people who work to maintain peace and order in the streets of Canada's largest cities. They understand the difference between handguns and long guns. Nevertheless, they are calling for tighter restrictions. No one in that group supports the government's position to have an amnesty on the failure to register long guns.

Given this strength of public opinion in Canada — the opinion of columnists and those who maintain order and peace in the streets of our big cities day after day — would the government not be prepared to reconsider its position? If it is prepared to disregard all these opinions, why would this government, the product of a long, Conservative Party tradition to respect our democratic institutions — and I go back to Mr. Diefenbaker — instead of taking advantage of a loophole in the Firearms Act to allow an amnesty, not suggest an amendment for this loophole and not ask the opinion of members of Parliament to resolve the issue democratically instead of resolving it in an unusual way, at its own discretion, and against the opinion of most people, including the police officers who face this sort of thing day after day?

I would like to mention one last statement that was heard yesterday in Montreal where another group was honoured. Members of the RCMP had taken part in operations to dismantle a group called the West End Gang in Montreal. At the ceremony, Inspector Sylvain Joyal, the officer in charge, said, and again, I quote Ms. Thompson:

[English]

The officer in charge of the RCMP's Montreal drug section, which spearheaded the project, echoed calls for the government not to weaken the gun registry, saying his officers used it several times during their investigation, particularly when planning raids.

[Senator LeBreton]

[Translation]

Instead of using the power of the act to make an exemption, why does the government not have confidence in the wisdom of the parliamentarians elected by the Canadian people and ask the parliamentarians their opinion on the exemption?

[English]

Senator LeBreton: People who acquire firearms in this country must obtain a licence; and when they have a licence, it is registered somewhere. This is the situation we face.

The honourable senator's party, when in government, spent time — and money — I might add, to the tune of over \$1 billion — on the long gun registry, which basically targeted farmers and hunters and neglected the licensing system. It is this licensing system that the government is trying to strengthen now. The government and Minister Day are now putting money into the registry to strengthen the system of licensing and acquisition of firearms at the front end. Instead of trying to register long guns that are in the possession of law-abiding hunters and farmers who use shotguns to kill mink and vermin that threaten their livestock, we are concentrating on implementing the strict gun control laws that were brought in by the previous Conservative government.

• (1425)

Everyone understands that, when dealing with people who are so clearly ill as the perpetrator in the horrible situation in Montreal last year, no law, no matter how stringent, can ever totally protect society against those who wish to do us harm.

The government is putting its efforts into our tough law-and-order legislation and into dealing with these issues at the front end by ensuring proper screening, and that firearms do not fall into the hands of dangerous criminals or people who are not competent to own a firearm.

These measures in no way alleviate the concern of the government, or any of us, when we hear of terrible incidents, but we are working hard to prevent these incidents from happening.

HEALTH

TASK FORCE ON TRANS FAT— GOVERNMENT RESPONSE

Hon. Mira Spivak: Honourable senators, to change the subject slightly, my question concerns trans fats. The Task Force on Trans Fat delivered its final report to the Minister of Health last June. The task force was formed in early 2005 after an opposition motion in the House of Commons passed some two and a half years ago. The task force points out that by the mid-1990s, researchers estimated that Canadians had one of the highest intakes of trans fats in the world, especially children. The task force strongly recommended that the government regulate the trans fat content in food to reduce the threat of coronary heart disease.

The task force called for draft regulations by this June and final regulations by June 2008. To date, however, there has been no response and, according to news reports, there is not even an estimated date of response.

Senator Segal: Feed everybody intravenously — no food ever again. We will all live forever and be boring.

Senator Spivak: In spite of my honourable colleagues' boisterous interjection, scientists say that trans fat is not something to joke about. Why is the government not responding to the task force recommendations?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Spivak for that question. I can imagine the cartoons that could be elicited by Senator Segal's comments.

Trans fats is a serious issue. The task force reported to the Minister of Health last June. The minister has been working not only at the federal level but also with provincial ministers of health. Approximately two months ago, he released an extensive new Canada's Food Guide, which was extremely successful. The web page had an incredible number of hits to obtain information.

In an effort to deal with obesity and the effects on our health of substances such as trans fats, the Minister of Health and others in the government are working on programs to increase the level of physical activity of our young people.

• (1430)

I believe it was incorrectly reported in the media that the Minister of Health is not taking action, when in fact he is taking action.

PUBLIC WORKS AND GOVERNMENT SERVICES

AWARDING OF CONTRACT TO CGI GROUP INC. —POSSIBLE CONFLICT OF INTEREST

Hon. Terry M. Mercer: Honourable senators, this question is to the Minister of Public Works and Government Services. I want to go back to Senator Cowan's question. I am a little confused.

The Minister of Public Works and Government Services has confused everyone because he said that the awarding of this contract to CGI Group Inc. is the responsibility of the bureaucrats within the Department of Public Works and Government Services. He says that he is not responsible for his parliamentary secretary in the other place.

I am under the understanding that Senator Fortier is the Minister of Public Works and Government Services. Is he the minister and is he responsible for the Department of Public Works and Government Services and for the contracts signed there? Does he meet with his parliamentary secretary on a regular basis to discuss how questions will be answered in both Houses? Is he responsible for anything, or is this all smoke and mirrors?

This government hangs its hat on accountability and we see none. He is not even willing to accept responsibility for the department of which he is supposed to be the minister.

Hon. Michael Fortier (Minister of Public Works and Government Services): I do not know if there was a question there.

Senator LeBreton: There were several.

Senator Fortier: I will tell the honourable senator, as I told his colleague, that things are operating in the manner they should. We have an open and transparent system. The MERX system has been around for a while. Honourable senators on the other side may make fun of the MERX system, but it is their government that introduced MERX several years ago. It is basically an eBay of procurement, which most suppliers like. The RFPs are there, so people know what is on offer.

Civil servants run, as they should, requests for proposals. That is the way it works. I am shocked that the honourable senator is shocked, unless in his days people were actually in the weeds working on the contracts. That is another issue, part of which was dealt with by Justice Gomery.

With respect to my parliamentary secretary, if the honourable senator wants to speak with him, I suggest he does as I will soon be doing whenever the election is called. I will be resigning from this place and running for a seat in the other place. If the honourable senator is elected like I will be, he will be able to speak to James Moore any time.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table an answer to the oral question raised by Senator Chaput on March 22, 2007, concerning minority official language communities.

BUDGET 2007

FUNDING FOR OFFICIAL LANGUAGES ACTION PLAN

(Response to question raised by Hon. Maria Chaput on April 19, 2007)

Infrastructure Canada manages a program called the Municipal Rural Infrastructure Program which helps support smaller scale municipal infrastructure such as water and wastewater treatment, or cultural and recreation projects, for smaller and First Nations communities.

Minority official language communities benefit from federal funding provided by the Official Languages Support Programs Branch for education, services and community development. Within this funding, the Government works directly in collaboration with the provinces and territories to ensure that school-community centres continue their important work within the communities. We will continue to support the construction of new centres or development of new community spaces within existing centres in order to maximize the impact on community development.

The Government announced additional support of \$30 million over two years in Budget 2007, of which a part will go to school-community centres.

State of Cultural Initiatives Program

The Cultural Initiatives Program was established in 1985, with three components: Assistance to Festivals and Special Arts Events, Capital Assistance and Strategic Development

Assistance. This program ceased activities in 2001-02. It was then replaced by three separate programs: Arts Presentation Canada (to support arts presenters, such as festivals, and the organizations that support them), Cultural Spaces Canada (to support the improvement, renovation and construction of arts and heritage facilities, and the acquisition of specialized equipment) and the Canadian Arts and Heritage Sustainability Program (to strengthen organizational effectiveness and build capacity of arts and heritage organizations).

• (1435)

[English]

ORDERS OF THE DAY

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, let me applaud Senator Grafstein for his initiative and other colleagues who have participated in this debate.

The Oxford English dictionary defines philanthropy as — and I quote:

Love of mankind; the disposition or active effort to promote the happiness and well-being of others; practical benevolence, now especially as expressed by the generous donation of money to good causes.

This is fairly reflected in the preamble of Bill S-204.

I share with the other speakers the recognition of the enormous value and contribution of philanthropists. They are outstanding citizens, both personal and corporate, of our country. As a matter of fact, I believe that life in Canada would be much less secure, much less comfortable and certainly much less fulfilling without them. Their contributions have helped elevate Canada's standing in the world rankings as among the best places to live. Their generosity has enhanced our citizens' well-being in health care, education, the environment, recreation, the survival of endangered species and all other areas of human endeavour.

Philanthropy has not been restricted to only national and local causes. Its benefits have been felt in every corner of the globe. The Canadian spirit of giving back, of sharing and caring is impressive.

[Senator Comeau]

Senator Mercer, in his speech on this bill, listed many colleagues who are active in the not-for-profit charitable sector. I agree that all colleagues make a huge contribution in this area, both as champions for many causes and also as philanthropists.

Canadians are very generous, although we have a way to go before we come close to the Americans. It is a goal we should strive to reach. I understand that during the last decade, charitable giving in Canada has doubled. So watch out neighbours to the south!

I believe the benefits of sharing, caring and giving are also being globally recognized more and more. In part, I feel this because of the exemplary leadership of people like Bill and Melinda Gates, Warren Buffet, Oprah Winfrey — my favourite, by the way — and Bono, among so many others. The trickle-down effect must be very satisfying and fulfilling for these wonderful role models.

We also have many generous individuals working out of the public limelight without whom the spectacular successes we have witnessed would not have been achieved — and here I include those who set up charitable foundations for this purpose.

I happily join with my colleagues in extending our gratitude and admiration to each and every donor, contributor and volunteer. They make all our lives better. I also agree that recognizing their generosity is important. However, frankly, is the declaration of a national philanthropic day the best way to achieve this? I am not sure.

Charities and not-for-profit organizations such as clubs, schools, hospitals and other recipient organizations hold a variety of events where appropriate recognition is bestowed on their donors. Often the names and/or pictures of donors and contributors appear in a variety of publications.

At times, legislatures and other entities also hold special recognition ceremonies for those whose contributions are of note, the highest being the Order of Canada. Friends, families and community members are made aware of those who respond to community needs.

Let me digress for a moment. Today, I attended a wonderful ceremony in Ottawa, the awarding of the 2007 Thérèse Casgrain Volunteer Award, where two incredibly great Canadians were recognized.

• (1440)

I would like to say that Mr. Daniel Highway, from Winnipeg, and Ms. Donna Jeffrey from St. John's were recognized for their outstanding and incredible contribution to society and to these causes.

What is the role of government in all of this? Let me talk a bit about what we do.

On behalf of all Canadians, governments provide financial incentives for those who contribute to qualified organizations. For example, changes allowing donations of publicly listed stocks to charities without tax consequences to the donors have been widely, if not universally, applauded, and have resulted in significant increases in donations.

Governments also frequently match donations from private sources. They also audit the affairs of charitable and not-for-profit organizations to ensure that they follow the rules set down for them.

I understand the principle of declaring a national philanthropy day. Colleagues have articulated a variety of reasons. It is difficult to argue against this idea, but frankly, I do not see where it will result in major changes to Canadians' willingness to contribute more, or to encourage more Canadians to give, which is the goal I believe we should strive for.

My concern with the declaration of a national philanthropy day is that after an initial short period of time, its impact will be neutralized. Surely there are better ways to achieve the stated objectives that would have a more lasting effect on the philanthropic habits of Canadians.

Some examples may include further improving tax incentives for donors. Should small donors receive the same tax benefits as those afforded to political contributors? Should we, through our tax system, better recognize the enormous value of volunteers? Should the Senate of Canada create its own system for recognizing exceptional philanthropists?

These ideas are but a few that are floating around that may result in more philanthropists and more contributions.

Honourable senators, I invite all of you during these debates to look at these and other ways to encourage and recognize the outstanding contributions of Canadians and to achieve the objectives that Bill S-204 is attempting to achieve.

Hon. Terry M. Mercer: Will the honourable senator take a question?

Senator Di Nino: Absolutely.

Senator Mercer: Is Senator Di Nino aware of the fact that currently, 14 different national philanthropy day celebrations take place from St. John's to Victoria on November 15 every year, including a large one in the honourable senator's own city of Toronto?

Senator Di Nino: With some apology, I have to say, that probably makes my point. No, I was not aware that a philanthropy day was in effect, whatever day that may be. I, as one who is involved in this area — I have been called a professional beggar many times by many people, so much so that some of my friends will not return my calls any more — was not aware that those celebrations existed.

Senator Mercer: The point of the bill is that these celebrations are going on. For example, in the city of Calgary last year, over 500 people were at a luncheon from all different charities and groups: churches, schools, social organizations, universities and hospitals.

Does the senator not see how this day would help enhance the celebration of philanthropy and of everyone's participation: volunteers, philanthropists, the donors and also the people who work in the industry? Does he not see the benefit of a national philanthropy day to highlight that participation so we can all celebrate together?

Senator Di Nino: Honourable senators, as I said in my speech, over a short period of time it would have some benefit, but over the long term I would like to see us find ways to achieve the objectives of Bill S-204 in a more permanent way and in a manner that would achieve the objectives of encouraging more contributions by more philanthropists. I do not suggest there is no value to it. I question whether the value is that great, whether we should do that as opposed to some of the other things I have suggested.

On motion of Senator Comeau, debate adjourned.

MEDICAL DEVICES REGISTRY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Keon, for the second reading of Bill S-221, to establish and maintain a national registry of medical devices.
—(Honourable Senator Keon)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to rise today to speak to Bill S-221, introduced by our colleague Senator Harb.

As you are aware, the goal of this bill is to establish and maintain a national registry of medical devices. This registry would contain the names and addresses of people who use implantable or prescribed home-use medical devices. The information would be put forth voluntarily by the users of the devices.

This bill would also require manufacturers and distributors of these medical devices to notify the registrar if a medical device could pose a risk to the health or safety of someone using them, presumably someone on the list.

Under the terms of this bill, the registrar would then be required to notify registered users.

This bill seems to be a simple way to protect any of us who might have, or use, some sort of medical device. All they do is put their name on a list and they will be contacted should something be found wrong.

However, when we dig a little deeper, some serious concerns arise. This bill calls for a broad-based voluntary registration system. This system will require careful thought and discussion at committee.

I have been familiar with the existing system for some time. We currently have regulations in place that cover certain medical devices and that contain specific protocols for patients and physicians to follow. These regulations include mandatory problem reporting and require all high-risk implantable devices to be registered.

They also support a system that enables the risks regarding a device to be communicated to all hospitals and physicians in Canada as well as to the general public, where it is appropriate.

We must examine carefully how voluntary registration would improve our existing system of mandatory registration for high-risk implantable devices.

On November 7, 2006, Senator Harb told the chamber:

For medical devices other than implants, the manufacturer, the importer and the distributor must keep a distribution registry containing information to authorize a complete and rapid removal of a medical device from the market. Unfortunately, it has been proven that this system is not without flaws.

He is correct.

He then went on to describe the sad example of a woman in 1985 who received a Vitek jaw implement. She later developed serious problems and now suffers intense pain, among other difficult complications. Senator Harb said that her surgeon,

... who, under the Medical Devices Regulations was required to notify her about the defective implant when the recall came out in 1990, failed to follow up on the safety alert. He is reported to have said that he did not contact her because, he said, he "didn't think it was urgent." In fact, she learned about the recall in a routine check-up at the dentist.

• (1450)

This unfortunate example of a surgeon who failed to comply with the regulations does not criticize in any way the regulations themselves. While I do not know the particulars in this case, the fault appears to have been with the individual surgeon and not with the system.

Honourable senators, I hear also that there could be a potentially substantial price tag associated with this bill, hitting a health care system that is already feeling a financial crunch. Remember, honourable senators, that Bill S-221 proposes a whole new national registry that covers every medical device. We must consider carefully the logistics of such an undertaking.

As Senator Harb pointed out, a device within the meaning of the Food and Drugs Act is, as stated in section 2:

... any article, instrument, apparatus or contrivance, including any component, part or accessory thereof, manufactured, sold or represented for use in

(a) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or its symptoms, in human beings or animals,

(b) restoring, correcting or modifying a body function or the body structure of human beings or animals,

(c) a diagnosis of pregnancy in human beings or animals, or

(d) the care of human beings or animals during pregnancy and at and after birth of the offspring, including care of the offspring,

and includes a contraceptive device but does not include a drug. . . .

This definition could include the entire spectrum of medical devices, from pacemakers to dental crowns. The cost of setting up and maintaining such an exhaustive list could be enormous.

An additional danger from trying to focus on everything at the same time is that simply maintaining information regarding the overwhelming number of benign devices means that crucial data about the higher risk ones could become swamped and lost in the process.

Senator Harb quoted the Auditor General who, in 2004, stated:

While Health Canada has made progress in important aspects of managing risks related to medical devices before they are made available for sale, it needs to better manage risk after they are available for sale.

She also said:

... Health Canada does not have a comprehensive program to protect the health and safety of Canadians from risks related to medical devices, even though it committed to such a program over a decade ago. Its failure to deliver such a program compromises Health Canada's ability to protect health and safety, which could translate into a growing risk — risk of both injury and liability.

Honourable senators, we must remember that Health Canada responded positively to Ms. Fraser's criticism. The report stated:

The Department has responded positively to our recommendations and has agreed to take corrective action. In some instances, the action is already under way.

Health Canada has already moved on this front in a positive way. It has developed a third-party registration system to ensure manufacturers meet quality standards. The department has also completed the process of assessing the regulatory requirements for conducting testing of medical devices. It also recently completed current performance targets, processes and corresponding financial resources to help it better ensure that Canadians have timely access to medical devices that have also been properly evaluated for their safety and effectiveness. The department is also in the process of developing an action plan to address gaps in the post-market issues to ensure that there is compliance with regulations; unlicensed devices are actively dealt with; and people are informed quickly when there are safety concerns. The department is assessing the medical devices program to determine the appropriate program design needed to do its job, as well as the resources required.

Honourable senators, these examples are only a few of how Health Canada is already working to ensure that medical devices are safe and that Canadians are protected. This action is being taken within the existing regulatory structure because the processes needed to regulate this bill are already in place. As I said, I dealt with this process myself, sometimes to my great frustration, when obtaining approval to proceed with implantation devices in the past, but it is a good system. What is required is careful examination of the processes and ensuring that everything is working.

Honourable senators, while I commend Senator Harb for raising our awareness about this entire subject, it requires careful study before we offer adjustments to an already good system. Hopefully, the Senate committee can find a way to deal with this complex problem.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a question for Senator Keon. Listening to Senator Keon's presentation led me to thinking about the concept of a registry and our experience with the most recent registry. That registry was for a certain number of millions of guns that was originally estimated to cost \$2 million and wound up costing \$1 billion-plus. At that point in time, it should have registered on parliamentarians that we are probably lousy accountants and that we should be careful when we propose any kind of a registry.

Does the honourable senator know whether Senator Harb or anyone else has given any kind of a professional estimate as to what this registry might cost? With the registry, we would be talking millions and millions more items to be registered, relative to the gun registry, and yet the gun registry cost us over \$1 billion. Has anyone any idea how much this registry would cost and how much it would divert from the existing health care system to register such items?

Senator Keon: I am sure Senator Harb realizes that there is no idea at the present time what it would cost to implement the whole panacea. If this approach were taken, in other words, a voluntary, large registry as opposed to a mandatory, narrow registry that Health Canada judges to be the important items, it would require a great deal of study. Senator Harb understands that. It would certainly require a careful look by the committee before proceeding with this change in direction. It will not occur quickly. It will need to be looked at carefully.

Senator Comeau: Health is really a provincial field, with the federal government involved at the safety level, in collaboration with provincial jurisdictions. Would some jurisdictions take offence to the federal government becoming involved in the registering of items under the jurisdiction of the provinces, or am I wrong?

Senator Keon: To date, registries for implantable devices have been a purely federal matter under Health Canada's subsection, Devices Canada. I suspect the provinces are relieved that responsibility is where it is. I have been involved over the years in discussions about how this matter could be done better. The whole problem with data banks is that we do not have a good computerized data bank for health yet in Canada. We are working towards it, and a large amount of money, \$400 million, has been poured into it to try to improve things. Programming would be needed to accommodate the numbers we are talking about if we go to a voluntary registration system. I do not think the provinces would want to become involved in that.

• (1500)

Senator Comeau: Given the fact that this is a voluntary registry rather than a registry of high-risk devices, which would make it somewhat mandatory, if we were to pass this bill at second reading that would give it approval in principle — in other words, we accept the principle of the bill — would that not preclude us from having what might be an even better bill or a more useful bill

that might be a mandatory registry of high-risk devices? Might we not be missing the boat on this and not going the right way?

Senator Keon: We already have mandatory reporting of high-risk devices and it is working well. We have not had many problems. There have been a few, such as with breast implants and so forth, but not many. The question was raised by Senator Harb of whether we should look at the alternative of a broad-based voluntary registration system. We have to be careful and open-minded and look at other options. That is the reason I seconded this bill.

On motion of Senator Comeau, debate adjourned.

DIVORCE ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cochrane, for the second reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I rise today to speak on Bill C-252, to amend the Divorce Act, access for spouse who is terminally ill or in critical condition.

This bill has touched me deeply. My two children were seven and eight years old when my husband, their father, died of cancer after an illness of six years. During that painful time it was rare that I thought about myself because I was constantly concerned about the children and their well-being, in what was without a doubt one of the most difficult situations they will ever face in life.

Yet, they were in a loving family unit, albeit one that had faced the strains of terminal illness. Sadly, the hypothetical children to whom we are referring in this bill would not have the comfort and security of the home which I believe my children had.

The brevity of this bill belies its profound significance. Bill C-252 touches upon issues that go to the very heart of life and death, of family relationships and of the nurturing of children. In studying this bill and reviewing all of the speeches and testimony to date, one is struck by the enormous responsibility placed upon society, especially the judicial system, when the family ceases to be the cradle of love for its youngest members.

Honourable senators, I have offered this preamble to my commentary on the substance of the bill because I have found myself ever more deeply involved emotionally and philosophically as I studied the material which has come to us on Bill C-252 from the House of Commons. I know that my fellow senators will experience many of these same feelings later in committee, as they undertake to give this serious subject the sober second thought that it deserves.

To say that Bill C-252 is no simple matter of legislation is perhaps reflected in the fact that the bill underwent two changes in wording before it was passed in the House of Commons. In referring to the wording from the first version I will abbreviate the

text, although if there are questions I could go back to the full wording. In essence, in the first reading on May 4, 2006, it stated:

... the court shall ensure that a spouse who is terminally ill or in critical condition is granted access to a child of the marriage.

Of course, there were problems with that, as I will point out later.

The second wording, which was changed very quickly, said:

For the purposes of subsection (5), a former spouse's terminal illness or critical condition shall be considered a change of circumstances of the child of the marriage, and the court shall then ensure that the former spouse is granted access to the child . . .

And this was added:

... as long as it is consistent with the best interests of that child.

When the bill was first introduced it did not have that clause.

The final wording of Bill C-252, as passed by the House of Commons on March 21, 2007 is:

Section 17 of the Divorce Act is amended by adding the following after subsection (5):

(5.1) For the purposes of subsection (5), a former spouse's terminal illness or critical condition shall be considered a change of circumstances of the child of the marriage —

And this is the final change, the third version:

— and the court shall make a variation order in respect of access that is in the best interests of the child.

We can see here that there was a struggle over wording. This, therefore, is the final wording of Bill C-252, which the Senate is called upon to consider.

In my study of the proceedings, both in the debate in the House of Commons and in the House of Commons Standing Committee on Justice and Human Rights, it became clear that the change of wording from “the court shall then ensure” to “the court shall make a variation order in respect of access” required prolonged and serious consideration, as well as authoritative support from members of the Department of Justice. It was on the advice of the Department of Justice that the word “ensure” was changed to “shall order” in the final wording.

Honourable senators will realize I am much more comfortable discussing “terminal illness” or “critical condition” than I am in my undertaking today to explain these changes to the Divorce Act. I am sure that Senate committee members, with all their experience in the law, will be eminently capable of studying the very delicate and consequential issues to which I refer.

Bill C-252 does, by virtue of its content, define a former spouse's terminal illness or critical condition as a “material change” that directs the law in a certain direction that leaves it non-discretionary, providing more direction with respect to what is a change in circumstance.

The second part of the provision, about how the court shall make the order once that change has been determined, is again discretionary and consistent with the current law. No constitutional issues are inherent to the changes to be brought about in Bill C-252.

In committee, discussion took place whether Bill C-252 would actually change family law significantly. The question was raised whether Bill C-252 would create more problems for the system of justice despite its seeming will to be humanitarian. In studying the testimony at committee, I sensed a certain hesitancy on the part of Department of Justice officials to fully support Bill C-252. One quote from a senior counsel from the Department of Justice is as follows:

I just want to clarify the fact that it is not the department that proposed this. We proposed different options to be considered.

I expect that our Senate committee will want to continue this discussion. The possibility of frivolous or vexatious issues entering into the future use of Bill C-252 in the courts was raised even as an excuse to get custody. Several members raised that. This possibility was raised because once an individual has shown that they have a terminal illness or critical condition there would be a change in circumstances which would get that individual to the second part of the analysis, which is the overriding consideration in the Divorce Act in respect to child custody. That, of course, is “the best interest of the child.”

As a physician, I know that the definitions of “terminal illness or critical condition” would have come from a reliable, authoritative source, most likely the applicant's family physician or specialist. Here also the Senate committee may wish to give further consideration to the means whereby such a medical diagnosis can be verified beyond any doubt. I say this with the full realization that any physician could conclude that a person's illness is terminal or critical yet events can unfold to prove that diagnosis wrong.

Committee members commented on these difficulties:

... the lawyer or one of the parties would only have to prove that the person concerned is in the final stages of a terminal illness or is in what is referred to as a critical condition. This must be proven first . . . the court must ensure that a spouse is truly in the final stages of a terminal illness.

Throughout all of this debate and the hearings on Bill C-252, one is moved and reassured by the return to “best interests of the child” by each presenter. To quote the mover of the bill:

I believe it is right that children be ensured a chance to say goodbye to a parent who is terminally ill or in critical condition, unless such contact between parent and child is not in the best interest of the child . . . it preserves judicial discretion by maintaining that it is the courts who decide what embodies the best interests of the child . . . I do not believe that terminal illness or critical condition is cause for automatic custody . . . it cannot trump the biggest factor, which is the best interests of the child.

The issue of “time frame” with respect to an order for variation within the Divorce Act, 17.(1), on the basis of terminal illness or critical condition was raised.

• (1510)

A terminal illness may provide a person with a life expectancy of 10 years after the diagnosis. This is an obviously complicating factor to any possible future variation order under C-252. Additionally, the list of so-called critical illnesses is long. The debate continued as to whether critical condition could be used to the non-custodial spouse's advantage.

I wish to say again that the brevity of this bill should not be taken lightly because the bill does establish a principle of law in that it says that the terminal illness or critical condition shall be considered a change of circumstances under the Divorce Act 17(5). In my mind, this is a substantial legislative change. Yet, in the House of Commons Committee, a rather worrisome discussion arose as to who drafted the amendment, where did it come and whether it was from the Department of Justice officials. Some of this uncertainty was spoken of as “some grey areas where there may be some problems.” I am confident that fellow senators in committee will pay due attention to all of these procedural and substantive concerns.

I should like to conclude with a more humanitarian approach — which, after all, is easier for me than what I have attempted to accomplish in my analysis of the legal aspects of Bill C-252. I am reminded of the joint House of Commons and Senate committee report entitled “For the Sake of the Children” I am reminded equally of the enormous challenge faced by judges in deciding the best interests of the child. I ask: Which could be more traumatic — not seeing a dying parent who had not been a part of that child's life over a long period of time or coming face to face perhaps with a stranger who is in a condition that could only be described as frightening for a child? There is no easy answer — hence the enormous weight of responsibility borne by judges and lawyers in family law. We share that weight in our deliberations on Bill C-252.

There is so much pain in all of this, especially for the children. Canada's Divorce Act sets out the criteria for granting custody and access orders solely on the basis of the child's best interests. This act continues to reflect the vision of Pierre Elliott Trudeau. I shall quote from one of the members of the House of Commons Standing Committee on Justice and Human Rights:

This is not only a nationally recognized standard —

He is referring to the Divorce Act —

— it is an internationally recognized standard and it is reflected as such in the United Nations Convention on the Rights of the Child, to which Canada is a party.

To close my remarks, one word symbolizes the spirit of the bill or represented for use in — that word is “closure.” This very small piece of proposed legislation seeks to move the law forward, so a greater number of parents and children may experience meaningful and lasting closure to one of the most important relationships any human being has.

It has been a privilege to study this bill, and I shall follow its journey through the Senate and committee with great interest.

The Hon. the Speaker pro tempore: Are there any other senators who wish to speak to Bill C-252?

Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Dallaire, for the adoption of the twelfth report of the Standing Senate Committee on National Security and Defence, (budget—study on the need for a National Security Policy), presented in the Senate on March 29, 2007.—(Honourable Senator Tkachuk)

Hon. Colin Kenny: If I may, this is the budget for the Standing Senate Committee on National Security and Defence. Obviously, I am in favour of the budget. Senator Banks spoke to this item at some length a week ago. I would be pleased to deal with any questions anyone has.

Hon. Terry Stratton: My question is to the chairman of the Standing Senate Committee on National Security and Defence. This budget deals with a fact-finding mission to Newark and Washington. Am I correct that that is what your budget is for?

Senator Kenny: That is a portion of it. The budget outlines the committee costs we anticipate for the first two months of the fiscal year.

Senator Stratton: What is the purpose of the committee's trip to Newark and Washington? I should like to get more information with respect to Newark. I can understand Washington, but not Newark.

Senator Kenny: Newark is one of the major ports on the East Coast of the United States. It is a port where we have Canada Border Services Agency targetters. Our principal reason for going there is to examine their security arrangements and the effectiveness of us having CBSA targetters in the port.

With regard to Washington, our committee has an ongoing relationship with a number of committees — the House of Representatives Permanent Select Committee on Intelligence, the

House Armed Services Committee, the U.S. Senate Committee on Armed Services, Homeland Security, the Coast Guard and the Pentagon. We have had ongoing relationships and meetings with them over the past six years, and this trip is a continuation of that.

Senator Stratton: One final question, if may. With respect, the committee has submitted a budget that includes, for this trip to Newark and Washington, participation by nine senators, two clerks, one consultant, two researchers and one media relations person, for a total of 15 people.

Other committees can travel with maybe 11 or 12 people; this committee plans to travel with 15 people. I should like an explanation as to why the committee has two clerks travelling with it, along with a consultant. Moreover, there are also two researchers travelling with the committee.

There is a second part of to my question. Should fewer than nine senators travel with the travel, would the chair be prepared to state today that any unused portion of that travel budget — the portion for those who that did not travel — will be returned in full to the Senate, all expenses regarding their travel?

• (1520)

Senator Kenny: Thank you very much for that question.

Dealing with the second question first, yes, all of the funds for any senators who do not travel would be returned to the Senate. That is consistent with the rules of the Internal Economy Committee, where funds that are not expended on a trip or foreign activity — I believe this is the expression — are clawed back. This is an automatic process that takes place; it is not a discretionary one. I can assure the honourable senator that officials in the Senate finance department meet with the clerk of the committee after a trip like this. They review the expenditures and any expenditures that were not made for this particular portion of the committee's activities immediately revert to the central fund of the committee's branch.

As to the first question, the number of people who travel with us is because trips to Washington are extraordinarily difficult and complex. The issues that we are dealing with cover the entire range of the committee's work. We would anticipate, as I indicated earlier, dealing with their defence community, with their intelligence community, and with first their responders. The range of issues covers airports, seaports and borders. Frankly, a trip to Washington is the major file that we have as Canadians. If that relationship is not functioning properly, no relationship will function properly. The staff we are taking are there to assist us with meetings that we expect to cover the range of issues that come to the fore when there is a one-shot visit for a week by a committee that covers a range of issues.

We bring staff to ensure that we are putting forward the Canadian position as thoroughly and completely as we can, with the various opposite numbers we have in the Senate and in the Congress and with officials whom we encounter. The trip is very demanding and the staff find it to be both difficult and hard work.

Senator Stratton: When is this trip? I know it is shown here as April and the trip is for seven days, six nights. Obviously, the committee would be travelling during the time the Senate is sitting. That is the first question.

When we look at your overall budget again, you have, from what I understand, the senior military adviser, 12 months at \$3,308; a military adviser for enlisted personnel, three months at \$500; a full-time national security adviser — and we removed that from approval on the budget because we need an explanation from the subcommittee on budgets with respect to that; a senior intelligence national security adviser, 12 months at \$3,308; a writer, editor, researcher, 67 days at \$100; a communications consultant, 25 hours at \$200; and clerical assistance, 12 months at \$3,085.

Apart from the full-time clerks, is that an accurate list of what comprises the assistance on that committee?

Senator Kenny: Yes, sir.

Hon. Hugh Segal: Honourable senators, I want a point of clarification from my colleague, the hard-working and determined chair of the committee.

I heard the honourable senator use the words that part of what he wants to do in Washington is to impart the Canadian position to our colleagues on the other side. Would he be speaking extemporaneously with the authority of this chamber, or perhaps with some mandate from the government of the day of which we are not aware, or is there some mandate of which we should be aware? I would be interested in any advice the honourable senator could give us in that respect.

Senator Kenny: It is an interesting exercise for us because we feel sometimes a bit schizophrenic. We spend a great deal of time being critical of governments of both stripes here in Canada. Yet, once we cross the border, the tiger actually can change its stripes and we spend a great deal of time defending what we believe to be the government of the day's position on dealing with the United States.

We do not believe there is room for division on foreign affairs, so we go forward with a consensus approach. We endeavour, for example, to move forward subjects such as the border issue. Thus far, all of our reports have been unanimous. We have always supported the government's position. We intend to do that. Canada has only one government and we are in the United States as Canadians supporting that.

Senator Segal: In view of the continuing discussions between our respective leaderships relative to the membership of the committee the honourable senator chairs and the Foreign Affairs Committee, is he at all troubled by the extensiveness of the activity when members of the Conservative minority in this house are not actually sitting on the committee for however long that situation may continue?

Senator Kenny: I am extraordinarily troubled by the situation. The members opposite who have been sitting on the committee have made significant contributions throughout the work of the committee. Their work is extraordinarily valuable and they cannot return to the committee soon enough to please me.

Senator Segal: Further to that, has the steering committee in any way reflected upon the possibility of not being as active until our two leaderships resolve whatever difficulties may continue to exist?

Senator Kenny: No, that is not an option open to us. The rules of the Senate are clear that committees are structured in a way that one side or the other cannot stop the work of a committee by not attending a meeting. We have not contemplated that at all.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, I think that the questions raised by Senator Segal are interesting in the context where the work of this committee perhaps should have been delayed because of the absence of the honourable Conservative senators.

Since I am the sponsor of Bill C-293 in the Senate, I hope that the bill will be referred to the Senate Foreign Affairs Committee as soon as possible.

I also think that the absence of voices from the other side of government is untimely, but I hope that our work on a bill from the other place will not be stalled because their members are absent, since I find that absolutely unbelievable.

If that is what it is, it is about time that the other side started working responsibly to respect the nature of the institution, which means to participate in debates and ensure wide-ranging legislation — not just reports.

Do you not think that their presence would be extremely useful and that it would have a much more positive effect on the progress of work?

[English]

Senator Kenny: I agree and I call for the question.

Senator Stratton: I did not get a clear answer as to what the dates were with respect to this trip to Newark and Washington in April. Today is April 19.

Senator Kenny: I apologize to the honourable senator. I believe we are looking at the third week in May.

• (1530)

Senator Segal: To be perfectly clear, I am comfortable with awaiting direction of my own leadership related to attendance at various committees, and having leadership from both sides sort this out in an appropriate fashion. My question was not about whether the *Rules of the Senate* in any way prohibited the committee from doing its work in the absence of Conservatives, but rather whether the honourable senator's own steering committee had given thought to the appropriateness of proceeding on these sensitive and important matters. I think I understand the senator's response to be that his committee gave that consideration and decided to proceed notwithstanding. I wanted clarity between us with respect to that.

Senator Kenny: The steering committee is proceeding with the plan that was adopted by the full committee. Its work plan is continuing.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Motion agreed to and report adopted, on division.

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.—(Honourable Senator Tkachuk)

Hon. Wilfred P. Moore: Honourable senators, I join this debate out of concern for the future of this institution, out of concern for the proper functioning of Parliament as a whole and out of concern for the rights of provinces that do not appear to receive much consideration from the current government.

I would like to thank Senator Banks for raising this important issue. He rightly draws our attention to a problem that needs to be addressed soon. We cannot sit by as this institution atrophies as a result of the Prime Minister's policy of refusing to fill vacancies.

In preparing my remarks for today, I was surprised by yesterday's announcement that the Prime Minister intends to depart from the policy he has followed for the last 14 months and appoint a new senator for Alberta. At first I thought my remarks might now be overtaken by a change in the government's stance, but I realize my concern over the lack of appointments is now even more justified. As a senator from Nova Scotia, it is hard to accept that the Prime Minister allows vacancies from smaller provinces to pile up, some seats having gone unfilled literally for years. Yet, when it comes to his own home province, which has no vacancies, the Prime Minister has announced an appointment before a seat even becomes available.

Some Hon. Senators: Shame, shame.

Senator Moore: This apparent double standard is all the more reason for me to participate in Senator Banks' inquiry. Consequently, I join the debate with a view to drawing attention to what I regard as an emerging crisis in Senate vacancies.

What struck me most about Senator Bank's speech introducing this inquiry was his observation that the situation today is not the result of inadvertent omission or negligence. To a certain extent, we are used to the gradual turnover of membership of this place, and that turnover entails a regular occurrence of vacancies when senators retire, resign or depart from this life. The situation we are now in, with 12 vacancies, has, to a certain extent, crept up on us. However, as Senator Banks has noted, this level of vacancies is well beyond the norm. If we have a larger number of vacancies in the Senate today, it is not because the Prime Minister has forgotten us. It is not because he has been busy with other files. No, it is the opposite. We are missing more than 10 per cent of our membership because of the overt and wilful omission of the

Prime Minister. He refuses to carry out his constitutional duty to appoint senators, and he has brazenly said as much on the public record.

Honourable senators, I speak to this inquiry as a senator who represents Nova Scotia. My own province is currently the most aggrieved from the standpoint of both the number of vacancies and the proportion of vacancies. Currently, three empty seats are from my province. That means, the people of Nova Scotia have three fewer people working on their behalf in Ottawa than they are entitled to under the Constitution of Canada.

To ensure that the record is complete, let me outline the current vacancies. Senator John Buchanan retired on April 22, 2006, nearly a full year ago. Sadly, Senator Michael Forrestall passed away in June of last year. That was ten months ago. Finally, Senator Michael Kirby resigned October 31, 2006, nearly six months ago. None has been replaced. All these vacancies have occurred since Mr. Harper became Prime Minister.

What are the people of Nova Scotia to do? They are entitled to ten senators. Their ten senators are part of the compromise that made confederation possible. Sorry, but the Prime Minister has decided unilaterally that we are not getting our three replacements. He chooses to ignore the Constitution except when it suits his political purposes.

Senator Banks quoted the Prime Minister, and I think it bears repeating. As I have said, the Prime Minister has not forgotten us. He has openly declared that he has stopped making appointments altogether. When he appeared in a Special Committee on Senate Reform last September, he said, "I do not intend to appoint senators, unless necessary."

There you have it. He simply refuses to fill vacancies, but what is he saying to the people of Nova Scotia and their rights under the Constitution: "You have seven senators, and you are not getting any more"? That is what the Prime Minister is saying to Nova Scotia.

Proportionately, Nova Scotia has a Senate deficit of 30 per cent. Imagine such a state of affairs in another context. Imagine if Ontario or Quebec were deprived of seven Senate seats each. Imagine if Ontario were missing 31 members in the other place, or if Quebec were missing 22 members. That would be intolerable.

Honourable senators, it is equally intolerable for Nova Scotians. Nova Scotia, of course, is not the only province affected by the unilateral decision of the Prime Minister to cease all appointments. The Maritime division is grossly under-represented, with more than 20 per cent of its total delegation vacant.

Honourable senators, the Constitution says that the Maritime division is entitled to be represented equally in the Senate. Section 22 of the *Constitution Act, 1867* says in part, "... Four divisions shall ... be equally represented in the Senate. ..."

I do not know whether the Prime Minister learned his math, but a 20-per-cent vacancy is not equality.

For the Maritime division to be equally represented, the Prime Minister needs to carry out his duty and advise the Governor General to summon qualified persons to fill those vacancies under section 32 of the *Constitution Act, 1867*.

Honourable senators, I have done some calculations to determine what the state of affairs would be if the current Parliament continues to its maximum term of five years. Under the current policy of the Prime Minister, by February 2011 the total number of vacancies in the Senate would rise to 33. That is nearly one third of the total number of seats in this place. Nova Scotia's vacancies would rise to four, nearly half its seats. The Maritime division would be missing a total of eight seats, exactly one third its delegation of 24 senators.

• (1540)

Ontario and Quebec would have a deficit of eight seats each; exactly one-third of their delegations. Newfoundland would be missing two senators; a full third of its representation. The Western division would be down by 21 per cent, five seats overall, with British Columbia in the worst situation having only three senators, or 50 per cent of the representation to which it is entitled. Finally, two of the three territories would have no representation at all.

Honourable senators, the situation today is deplorable and we must bring pressure to bear to remedy it before it gets worse. I also want to take a moment to assess the wider impact of what is happening. By his wilful omission, the Prime Minister may be creating a precedent of constitutional significance. It is one that I believe cannot be allowed to stand. I would not like to see the current state of affairs interpreted in some future situation as being a constitutional convention. That is why we must actively pursue the issue today and ensure that the record clearly shows that this Prime Minister is not acting in accordance with the Constitution of Canada.

The Prime Minister's refusal to fill vacancies opens a door to future abuses. Let me give honourable senators one scenario that I think is entirely possible if the current situation continues unchallenged.

Imagine a future Prime Minister who has designs on Senate reform. He or she might have a particular interest in the first E of the so-called Triple-E model — equality of seats. In past constitutional negotiations, some provinces have appeared willing to reconsider the seat distribution in the Senate, but in every case those seats were also a bargaining chip. The provinces that were prepared to give up Senate seats in a redistribution were also looking for consideration in return; some concession in another aspect of the overall constitutional settlement.

Continuing with this scenario, along comes a prime minister who decides to act unilaterally. He or she could do what Mr. Harper is doing right now — refuse to fill vacancies until all provinces have an equal number of seats. Nova Scotia, while legally entitled to 10 Senate seats, might, in practice, have only six seats, maybe as few as four. By this method of attrition, all provinces would become more or less equal in Senate representation.

Well, honourable senators, that is not how the Constitution of Canada works. In the current scenario, if the Prime Minister wants to change seating arrangements here, let him propose a constitutional amendment and secure the consent of the provinces.

The Prime Minister cannot be allowed to strategically neglect his duties in an effort to achieve indirectly that which he cannot achieve directly. The Prime Minister cannot refuse to obey the law in a unilateral effort to radically alter the Senate without the consent of the provincial legislatures. I do not know whether that is the objective of Prime Minister Harper, but his position today could well lay the ground for a future prime minister to pursue that course.

Honourable senators, I share Senator Banks' concern about the implications for one of our most basic democratic principles: The rule of law. I find it hard to believe that in the 21st century, almost 800 years after the Magna Carta and 159 years after Nova Scotia was the first colony in North America to establish responsible government, that we have to stand here today and argue that the government must obey the law. Sadly, the Prime Minister has brought the debate to this level.

I urge honourable senators to take up this issue. It is too late to persuade the Prime Minister that his policy is ill-advised. Representation in the Senate is one of the rights that my province enjoys under the Constitution of Canada. It is not for this or any other prime minister to unilaterally undertake an executive, republican-style action to deny this foundational right of Nova Scotia. It is part of my province's shared commitment to the Canadian federation.

I call upon my colleagues from Nova Scotia to bring their considerable influence to bear. I hope that two Nova Scotians in particular will help persuade the government to change its mind. I am thinking particularly of Senator Comeau, the Deputy Leader of the Government in this place; and Senator Oliver, the chair of our Legal and Constitutional Affairs Committee.

Senator Comeau: Do you want to campaign on it in the next election?

Senator Moore: Yes, I will campaign on you not doing your duty.

Both honourable senators are well placed to advocate for the rights of Nova Scotians within government. We all have a duty to at least try to bring about a change in attitude that will see the Prime Minister fulfill his duties, that will see the Senate and Parliament functioning fully, and that will see the people of Nova Scotia properly represented in their national institutions.

Hon. Jane Cordy: Will the honourable senator accept a question?

The Hon. the Speaker pro tempore: Senator Moore, will you accept questions?

Senator Moore: I will.

Senator Cordy: I thank the honourable senator for his excellent speech. Being from Nova Scotia, I certainly share his concern that we would have only 70 per cent of our representatives in the

Senate to voice the concerns of Nova Scotians, particularly concerns such as the Atlantic Accord and other things about which we are not hearing from many of our colleagues on the other side.

As the honourable senator was speaking, I heard the Leader of the Government in the Senate saying, when he talked about Nova Scotia having seven senators, that Nova Scotia still has one more. I wonder if the honourable senator could go over with us what is currently in the Constitution and what agreement was reached in 1867 in Prince Edward Island when Canada indeed became a country and how it came about that we would have the number of representatives from Nova Scotia.

Senator Moore: I thank the honourable senator for the question. As we all know, as a result of the discussions by the Fathers of Confederation, the agreement was that Nova Scotia would have 10 senators, that New Brunswick would have 10, and that Prince Edward Island have four, making up the Maritime delegation. It is not just Nova Scotia, New Brunswick and Prince Edward Island individually; this is the Maritime division. That was the foundation of the country. That is the basis on which Nova Scotia and those other two provinces negotiated with the other then provinces of Canada to enter into Confederation, and the reason they were given those seats was to counterbalance the representation by population in the other place.

Senator Cordy: If the Constitution is not changed and not opened, then Nova Scotia is entitled to 10 Senate seats; would that be correct?

Senator Moore: That is correct; it has not changed. If it is to change, the consent of the provinces must be obtained. The Constitution Act of 1867 is very much in place and in effect. It is a matter of having the Prime Minister discharge his duties and to appoint the vacancies.

Hon. Tommy Banks: Senator Moore referred to the Constitution. Section 24 of the Constitution is where the number of senators, to which he has just referred, is set out and where it says that the Maritime division has 24 senators. However, section 32 talks about what happens when there is a vacancy among those numbers. Can the honourable senator imagine if it was not intended that that should operate in the way that it says when a vacancy occurs, why there would be a separate section in the Constitution which describes precisely when a vacancy, and the number of Senate seats that is set out elsewhere in the Constitution Act is dealt with specifically, and that question describing what happens when a vacancy among those other numbers occurs? Is there any other reason that possibly exists in the Constitution?

The Hon. the Speaker pro tempore: Senator Moore, I am sorry to advise you that your time is expired. Are you asking for more time to continue?

• (1550)

Senator Moore: Honourable senators, I would ask for time to answer the question.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Moore: I am sure that honourable senators are familiar with the principle of section 32 of the Constitution Acts, 1867 to 1982, which states:

32. When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall, by Summons to a fit and qualified Person, fill the Vacancy.

It is clear that vacancies were envisaged and that the founding fathers intended that they be filled forthwith.

The Hon. the Speaker *pro tempore*: Do any other senators wish to speak?

Hon. Roméo Antonius Dallaire: Honourable senators, I would put a question to Senator Moore.

The Hon. the Speaker *pro tempore*: Senator Moore's time has expired with his response to the previous question. However, an honourable senator may speak to the inquiry if he or she wishes to do so.

Hon. Joseph A. Day: I did not want to cut off honourable senators on the other side, who seemed to have many questions during the time that Senator Moore was speaking. It seems that they no longer have any questions. I would move adjournment of the debate.

On motion of Senator Day, debate adjourned.

THE HONOURABLE NOËL A. KINSELLA

MOTION EXPRESSING CONGRATULATIONS AND CONFIDENCE IN SPEAKER ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I took the adjournment of the debate on the motion of Senator Joyal because I agree with him that recent developments in the House of Lords give us a useful model for reflection on the method of selection for the presiding officer in this house.

The motion before honourable senators is something that I wholeheartedly support on its face. I am happy to congratulate the Speaker of the Senate on his appointment. I have no doubt

that every member of the Senate has full confidence in him because he has so ably presided over this place since February 2006. I have a particular interest in Senator Joyal's initiative because I believe that the procedure could become a practice that, in future, would ensure that the Senate will always have a Speaker who enjoys the confidence, if not the direct mandate, of his or her peers.

Given the flexible and evolutionary nature of the Westminster-style of institutions after which Canada's Parliament is modelled, this approach could lead us to a convention or a practice whereby the duty to appoint a Speaker, expressed in section 34 of the Constitution Act, 1867, would be exercised on the recommendation of, or at least with the collaboration of, the Senate.

As Senator Joyal has told honourable senators, the House of Lords now elects its Speaker. In fact, the position of the British government was quite emphatic that it wanted to rid itself of the authority to appoint the presiding officer of the House of Lords. That position was expressed by the Leader of the Lords, Baroness Amos, in debate on the Address in Reply to the Speech from the Throne in 2005. She said:

It remains the Government's view that the Speaker of this House should not be appointed by the Prime Minister. We believe that the House will be stronger if it seizes the opportunity to take the Speakership into its own hands. This House needs a presiding officer of its own, and I will resume discussions with the usual channels to explore the scope for consensus.

The same option is available to this chamber, but it would not be so readily achieved as was done in Britain because it would require a formal amendment to the Constitution Act, 1867. Some honourable senators might recall that in 2003, Senator Oliver made such a proposal when he introduced a bill to provide for the election of the Speaker of the Senate. He did so on the grounds that such an election would reinforce the Speaker's position and better enable our presiding officer to carry out his duties. I agree with Senator Oliver's view that the Speaker could carry out his or her role more effectively if she or he were to enjoy a mandate, or at least an overt expression of confidence as expressed in this motion, from the body over which he or she presides.

I would not be opposed to a formal amendment to the Constitution to address this question and bring about such a solution, but all in this place know well the challenges that lurk when such a path is considered. I note that our esteemed former colleague and noted constitutional expert, Senator Beaudoin, expressed his opinion on Senator Oliver's bill to provide for the election of the Speaker of the Senate by secret ballot. Senator Beaudoin took the considered view that such a bill would be a valid exercise of the authority to amend the Constitution under section 44 of the amending formula and that provincial consent, which applies to other changes, would not be required. Others have cautioned that such a change might engage the 7/50 rule or even the unanimity rule. As I have amply demonstrated in the past, I am not a constitutional expert, but Senator Beaudoin's analysis is persuasive.

However, this place need not go down that difficult path. Senator Joyal's approach saves honourable senators from the problem of sorting out complex legal and constitutional issues. It

is clear that there is wisdom in Senator Joyal's approach because it is a much easier way to move forward than is the legislative route. Senator Joyal has told honourable senators that the House of Lords elected its first Speaker in 2006. This development followed on the adoption of the Constitutional Reform Act, 2005, which dealt primarily with the modernization of the Office of the Lord Chancellor.

My understanding of the traditional view is that the Speaker of the Senate was modelled on the Lord Chancellor, who was a mere mouth of the House with no authority to intervene in the proceedings of the Senate to restore order unless invited by another senator on a point of order to do so. Even this rule, as an interpreter of procedural rules and practices, has always been tempered by the possibility of an appeal to the Senate of a ruling from the chair. This place has seen a couple of appeals just in the short time that I have been in the Senate. The drafters of Canada's Constitution did not endow the Speaker of the Senate with a mandate from senators. Consequently, in the early years, the Speaker was given no authority over them. Another reason frequently cited for depriving the Speaker of the Senate of a larger role is that the rules expressly reflect the presumption and, I suppose, the fear that the Speaker would function as an active partisan and participate in the deliberations of the Senate by leaving the chair from time to time; and honourable senators have seen that happen.

For many years, Speakers of the Senate, for the most part, have carefully avoided partisanship and have remained above the political fray. In 1906 and in 1991, the Senate made changes to the italic; Rules of the Senate to establish and then to expand the authority of the Speaker so that he or she would have authority to intervene and maintain order. The majority of such authority is found in rule 18 of the *Rules of the Senate* and, despite the minor expansion of the Speaker's authority over the years, the Senate remains a largely self-regulating chamber, similar to the House of Lords. The rulings of the Speaker of the Senate are still subject to appeal. Thus, the Senate is the ultimate master of its own proceedings.

I know that some senators would prefer to revert to the old days when the Speaker had no authority to regulate. The senators who share that view might be concerned that the motion before the house might do more than merely legitimize an appointed Speaker — it might embolden him or her to take a more activist role in the Senate. The British example and the example in the other place have shown us that a change in the status or the method of election of the Speaker need not result in a change to his or her function or role in the respective chamber.

• (1600)

The new situation in the House of Lords has not occasioned any explicit change in the role or the authority of the presiding officer there. Far from providing the Speaker with the authority to maintain order, Standing Order 19 of the House of Lords used to prohibit the Lord Chancellor from doing anything as the mouth of the House without the consent of the House of Lords first-hand.

That Standing Order was repealed in its entirety in May 2006 as part of a series of amendments that provided for the election of the Lord Speaker. At first blush, this repeal might be regarded as

the first step in gradually giving the Lord Speaker the kind of authority granted to the Speaker of the Senate under rule 18, or even the much more sweeping authority of a Speaker of the House of Commons.

However, when we look more closely into the deliberations of the House of Lords, we find some fairly clear indications that their decision to elect a Speaker did not change their view of his role one iota. Let me quote from the second report of the House of Lords' select committee on the speakership of the house of July 12, 2005, at paragraph 14:

There is widespread concern that any change in the role currently performed by the Lord Chancellor would be a "slippery slope" ending in a loss of self-regulation. Instead of exercising self-restraint and old-fashioned courtesy, Members might be tempted to stand their ground. This could ultimately lead to a Commons type speakership which nobody wants, and is wholly inconsistent with self-regulation.

They go further, at paragraph 18, in saying:

If the Lord on the Woolsack were permitted to assist the House in this limited way, it is important that he should observe the same formalities as any other Member of the House. He should always address the House as a whole, and not any individual Member. He should never intervene when a Member is on his feet. His function would be to assist, and not to rule.

I point this out merely to reassure honourable senators that an initiative like the motion of Senator Joyal, which is now before us, may help us achieve the goal expressed by Senator Oliver to reinforce the Speaker's position and to better enable her or him to carry out her or his duties; but it does not have to entail a change in the role, function or practice of our chair.

Honourable senators, Senator Joyal made the point in his remarks about this motion that we need to look into the issue more closely. As I said near the beginning of my remarks, I think that this motion has, on its face, merit and that we ought to pass it. At the same time, the broader issue of the future of the speakership of this place should be examined in a methodical way through the kind of extensive committee study that was undertaken in the House of Lords.

Honourable senators, I want to thank Senator Joyal for putting this important issue before us. I commend his motion to your careful attention, and I believe that it merits our support as an important first step in the modernization of the speakership of our house.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

KYOTO PROTOCOL

GOVERNMENT POSITION—INQUIRY— DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Inquiry No. 6:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the stated intention of the Canadian government to weaken the Kyoto Protocol, and to dismantle 15 climate change programs, including the One-Tonne Challenge and the EnerGuide program.—(*Honourable Senator Tardif*)

Hon. Tommy Banks: I did not realize that it was in its fifteenth day, and I know there are other senators who wish to speak on it. Therefore, I am wondering if I could have permission of the house to revert to that and to have the motion stand in my name until the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY GENDER EQUITY IN PARLIAMENT— DEBATE ADJOURNED

Hon. Marie-P. Poulin, pursuant to notice of March 27, 2007, moved:

That the Standing Senate Committee on Human Rights, in the spirit of reflection and commemoration of International Women's Day and the 25th anniversary of the patriation of the Constitution and its Canadian Charter of Rights and Freedoms, be authorized:

- (a) to examine and report on all issues related to female representation in Parliament, including the barriers to the participation of women in federal politics;
- (b) to propose positive measures for electoral and other reforms that will
 - (i) promote gender equity in Parliament, and
 - (ii) achieve an increase in the number of women in Parliament; and
- (c) to consider the status of female representation in other legislative assemblies for comparative purposes in formulating proposed measures; and

That the Committee present its report no later than June 29, 2007.

She said: Honourable senators, the road to gender equality in Canada has been long and sometimes strewn with obstacles, and there is still a long way to go. Although the women's suffrage movement of the early 20th century made it possible for Canadian women to vote and even stand for election — the first time being in the 1917 Alberta election — it was not until the historic *Persons* case, over a decade later, that women achieved equality with men. Let us remember this important little part of our history.

In 1921, women's right to vote was extended to federal elections. Yet women were not considered eligible for Senate appointments. A brave group of women from the West, who came to be known as the Famous Five, were not intimidated by a 1928 Supreme Court of Canada ruling that held that women were not persons and therefore were not eligible to enter the upper chamber. In an appeal to the Judicial Committee of England's Privy Council, this decision by the Supreme Court of Canada was overturned in 1929. One year later, the first woman was appointed to the Senate.

It is difficult to understand at the beginning of the 21st century that it took a ruling by the highest court of appeal of the mother of parliaments to recognize women's basic humanity.

Less than 80 years ago, under the British North America Act, women were considered "persons" when it came to sentences and punishment but not when it came to rights and privileges.

The courage and intelligence of the Famous Five — Nellie McClung, Emily Murphy, Henrietta Muir Edwards, Louise McKinney and Irene Parlby — opened the door to political life for women in Canada. But full equality eluded them. In fact, proportionally speaking, women are still underrepresented today in Canada's Parliament.

• (1610)

Honourable senators, in the spirit of these early reformers, I stand before you today to propose measures to correct this imbalance in our country's political institutions.

Over the years, great strides have been made in putting an end to widespread discrimination and improving gender equality. However, equality before the law has not proven sufficient to overcome *de facto* discrimination. We must do more. We need new thinking and a new approach in order to encourage half the population to give more thought to entering public life.

The time has come to make sweeping reforms and convince women to enter politics in sufficient numbers to propel the best and brightest to influential, decision-making positions.

That is why, honourable senators, I would like to propose today that the issue of female representation in Canada's Parliament be referred to the Standing Senate Committee on Human Rights for consideration. The committee could examine our electoral laws, political party financing, and the problems and obstacles facing women when they seek election. It could then make recommendations that would correct the imbalance we have in Parliament.

Allow me to illustrate my point with some statistics presented by the expert panel on accountability mechanisms for gender equality. Although the figures may have changed slightly since 2005, they provide a general idea of the situation.

First, women make up just 20.9 per cent of the members of the House of Commons and 34.7 per cent of the members of the Senate.

Second, in the provinces, only 20.2 per cent of the members are women.

Third, women make up just 20.7 per cent of the federal deputy ministers and 25.8 per cent of the judges appointed by the federal government.

Lastly, the panel indicated that in the top 500 companies in Canada, women held just 14.4 per cent of the management positions and consisted in just 11.2 per cent of the members of boards of directors. Moreover, in the top-ranked 500 corporations in Canada, women accounted for only 14.4 per cent of corporate officer positions and 11.2 per cent of board directors; 7.1 per cent held the highest titles, and only 0.04 per cent of these corporations were headed by a woman. In other words, less than 1 per cent of the companies in question were led by women.

Canada prides itself on its equity and inclusiveness. However, Canada ranked 50th out of 177 countries evaluated by the Inter-Parliamentary Union at the end of last year, with respect to female representation in Parliament.

[English]

My proposal for a fresh look at female political representation in Canada comes at a propitious time. This week we celebrated the twenty-fifth anniversary of a profound and historic milestone in Canadian history, patriation of our Constitution and its inclusion of the Charter of Rights and Freedoms. The significance of this occasion is not lost upon us, as I entreat you to give my remarks your most careful consideration and, with your concurrence, to refer the issue of women in politics to our Committee on Human Rights.

Throughout history women have struggled to be recognized as equals. Heaven be praised that we live in a more enlightened era, one that is, however, darkened by the continued subjugation of women in many parts of the world. This sharpens the point that bold action is needed, even in our country, to shake off the shackles that culturally, attitudinally and sometimes inadvertently put women in a lesser role than men.

It was in 1946, 61 years ago, that the United Nations established the commission on the status of women. In 1995, the Beijing platform for action identified inequality between men and women in positions of power and decision-making. In 1997, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was established with Canada as a signatory. Moreover, it was through such dedicated groups as Canada's National Action Committee on the Status of Women, the National Association of Women and the Law, the Canadian Advisory Council on the Status of Women and the Canadian Council of Canadians with Disabilities that the original wording of section 15 in the draft of the Charter was expanded to provide a wider field of equality for all.

Yet, despite long standing and persistent efforts, the rate of women in parliaments around the globe appears stuck — stuck at 16 per cent — in Canada, at 20 per cent in the House of

Commons and at 34 per cent in the Senate. A 30 per cent rate is considered necessary for critical mass, that is, the sufficient number of women needed to begin seriously impacting the political scene. By the end of 2005, only 18 countries had met the 30 per cent target.

Honourable colleagues, the Liberal Party of Canada, of which I am president, is proud of its efforts to encourage more women to seek public office. The party is actively engaged in seeking women to be candidates in at least 33 per cent of the 308 seats in the House of Commons. My hope is that by implementing a voluntary system, the Liberal Party of Canada will encourage other political organizations across the board to adopt their own objectives.

Yes, honourable senators, the time has come for the Senate of Canada to raise the issue of women in politics to a new level; to explore options, whatever they may be, to increase female representation in Parliament, whether it be through a system of proportional representation or two-member constituencies — one male, one female — or attaching gender balance to the public funds available to political parties.

There are so many options. What method of reform would be most effective to ensure a balance in the Parliament of Canada is unclear at this time. The Charter of Rights and Freedoms gave each individual the same protection before and under the law. However, it is well argued by those knowledgeable about constitutional law and by organizations that strive for female equality that those very laws create a "sameness" between men and women. This sameness perpetuates the status quo. Rather than "formal rights," it is by now recognized by equality groups that in order to achieve gender parity, substantive rights are necessary if women are to achieve their potential as full partners in Canadian society.

Much has been written on gender discrimination, and I will not dwell upon the countless reports and studies that, at the end of the day, amount to the same thing: Women are not equal partners in the affairs of our country.

Section 15 of the Charter is a significant vehicle for the promotion of social, political and economic change through the legal system, yet the Charter does not give authority to political parties or the government to impose something beyond "formal rights" — that is, substantive rights that have transformative potential.

Honourable senators, I refer to an excellent paper by lawyer Melina Buckley, who pointed out in her paper on substantive equality and Charter adjudication in November 2005:

It is not enough to accept existing legal and social institutions as they are and only work toward ensuring that opportunities within society are equally available to all; the institutions themselves have to be transformed. Substantive equality entails changes at all levels of society: individual behaviour, perceptions and attitudes; ideas and ideology; community and culture; institutions and institutional practices; and, deeper structures of social and economic power.

• (1620)

In a similar vein, the expert panel on accountability mechanisms for gender equality contended, and I quote:

Today, the concept of equality acknowledges that different treatment of men and women may sometimes be required to achieve comparable results given their similarities and differences, and their varying histories, roles and life conditions.

Finally, I bring to you the words of former Justice Claire L'Heureux-Dubé who said in 1999, and I quote:

Unless the government implements positive programs to remove barriers to equality, it will be signalling tolerance of discrimination and indifference to the expectations of women. . . .

Now is an opportune moment to examine the prospects of women in politics by referring this matter to our Human Rights Committee.

Honourable senators, I call upon your support. I thank you for your attention and interest in a matter that affects not only half the Canadian population, but also all future generations of our men and women.

Some Hon. Senators: Hear, hear!

Hon. Gerald J. Comeau (Deputy Leader of the Government): I wonder whether the honourable senator would entertain a few questions.

This is a request for an order of reference to the Human Rights Committee. Generally speaking, these requests are discussed at committees. There are a number of advantages in doing this, obviously.

For example, if such requests for orders of reference are discussed at committee, members tend to buy into the value of the study being proposed. It establishes a list of priorities and provides every member of the committee a chance to postpone their areas of interest in order to do this one.

In other words, the members themselves buy into what the committee should currently be studying. Has this been discussed at the committee? Is the honourable senator proposing this on behalf of the committee?

[Translation]

The Hon. the Speaker *pro tempore*: I regret to inform Senator Poulin that her 15-minute period has ended. Does she seek leave to continue?

Senator Poulin: Yes, honourable senators, I would ask for five more minutes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Senator Poulin]

Senator Poulin: I would like to thank Senator Comeau for his question. I am not a member of the Committee on Human Rights. I have discussed this very informally with members of the committee. Many honourable senators would like to know if we can improve the balance between men and women. I do not think that this issue has been formally discussed in committee.

Senator Comeau: As a rule, out of courtesy, you should submit your request for a study to the members of the committee. It is up to them to decide if they are interested in studying the issue. Following discussions in committee, the chair or deputy chair can state either that the members are interested in conducting a study, or that they are not prepared to set aside other studies they wish to undertake in favour of addressing the subject of your motion. This procedure avoids encroaching on the committee's authority to decide which issues to study.

[English]

In other words, I am not talking about informally seeing if a couple of friends will support me on this; rather, a true proposal to the members of the committee so they can discuss it. If they should suggest that they will put away their studies in order to take yours on, that would be much better than bringing it directly onto the floor where we must ask these kinds of questions immediately and the members of the committee are in a position of asking, "What can we say?"

I sit on a couple of committees, and when somebody brings up an order of reference on the floor of the Senate when they have not yet been discussed at the committees on which I sit, I take offence to that. I am the one sitting on the committee who must now tackle an order of reference when I had a higher priority for something else.

I am suggesting, as a courtesy, would it not be proper for the Human Rights Committee to look at this and determine whether they will take the honourable senator's order of reference on as well or place it on a higher priority?

Senator Poulin: First, no offence was intended, as the honourable senator can well imagine. It is the tradition of our chamber that usually when a motion is tabled in the house, we take a bit of time to discuss it. People would specifically like to speak to the motion. That provides ample time for the committee to review.

In no way would it be the intention of this motion to circumvent any other agenda item of the Human Rights Committee, which is doing excellent work for this country. If it were seen as that intention, definitely it is not.

Discussions of the motion in this chamber would provide time for the committee to review, and I would respect the opinion of the committee.

Senator Comeau: Are we not putting the cart before the horse? Could we not have had the committee look at this? Then we get a recommendation from the committee saying to this chamber, this is where the committee wants to go. This is a study it wants to undertake and considers it to be of primary importance rather than an honourable senator bringing forth an order of reference that they discussed with a few people. The honourable senator does not even sit on the committee.

My suggestion would have been as a courtesy to the members of that committee. I am not suggesting that any member does not have a right to bring an order of reference; anybody can do that, but it is a common courtesy.

Our committees work very well. I have often heard that our committees are seen as the crown jewel of the Senate. The reason they work well is because collegiality, consensus and compromise exist in those committees. Sometimes members of those committees must put away their areas of interest.

The Hon. the Speaker pro tempore: The five minutes are up. Is there a final answer?

Senator Poulin: I thank Senator Comeau for his comments. Many of us here have been sitting many years, and both processes have been used as an approach to table a motion. I am very respectful of both approaches.

As I said to honourable senators, no discourtesy was intended in any way towards my colleagues who sit on the committee, which I authentically respect.

The Hon. the Speaker pro tempore: Senator Poulin's time has elapsed. Would you like to speak, Senator Dallaire?

Hon. Roméo Antonius Dallaire: On a point of order. Forgive me, as I have been searching my book here like mad.

There is a point I wish to raise, that this is a methodology within the institution being debated here by the Deputy Leader of the Government that is more than just the honourable senator's motion. I am wondering whether or not we can discuss that at this point in regard to motions, as they make their way through the

debate, moving to a committee, and whether that is ill-perceived or not. That is significant because it is an instrument that exists.

• (1630)

It seems to me that a motion could mature during the debate here and, in so doing, could be of significance such that it should go to a committee. We could even impose a time frame, say, of one or two years.

That is still due process, unless I do not understand it. I understand the honourable senator's position; he does not want his budgets and plans to be thrown completely off balance.

The Hon. the Speaker pro tempore: Do you wish to speak on Senator Dallaire's point of order?

[Translation]

Senator Comeau: Honourable senators, this is not a point of order; rather this is Senator Dallaire's opinion, which could well provoke some discussion. I never suggested that Honourable Senator Poulin could not talk about an order of reference in the Chamber, but I would like to clarify that Senator Dallaire's opinion is not a point of order.

The Hon. the Speaker pro tempore: Honourable senators, I agree with Senator Comeau that this really is an opinion, and I hope that both leaders will take that into consideration.

On motion of Senator Tardif, debate adjourned.

The Senate adjourned until Tuesday, April 24, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, April 19, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|---|-------------------------------------|---------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | 07/03/29 | 7/07 |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | 07/03/29 | 5/07 |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) | (report on subject-matter 06/10/26) | | | | |
| | | | | (bill 07/02/20 Legal and Constitutional Affairs) | | | | | |
| S-5 | An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 06/10/03 | 06/10/31 | Banking, Trade and Commerce | 06/11/09 | 0 | 06/11/23 | 06/12/12 | 8/06 |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|---|--|-----------|-------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158 | 06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 | 06/12/12 | 9/06 |
| | | | | | | | Referred to committee 06/11/23 | | |
| | | | | | | | Report adopted 06/12/07 | | |
| | | | | | | | Message from Commons- agree with Senate amendments 06/12/11 | | |
| C-3 | An Act respecting international bridges and tunnels and making a consequential amendment to another Act | 06/06/22 | 06/10/24 | Transport and Communications | 06/12/12 | 3 observations | 06/12/13 | 07/02/01* | 1/07 |
| C-4 | An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | 06/05/09 | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | 06/11/03 | 06/12/12 | 5/06 |
| C-8 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>) | 06/05/04 | 06/05/09 | — | — | — | 06/05/10 | 06/05/11 | 2/06 |
| C-9 | An Act to amend the Criminal Code (conditional sentence of imprisonment) | 06/11/06 | 07/02/27 | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts | 07/03/01 | 07/03/28 | Transport and Communications | | | | | |
| C-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | 07/03/28 | Special Committee on the Anti-terrorism Act | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|--|----------|--------------------|-----------------|-----------|-------|
| C-13 | An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/06/06 | 06/06/13 | National Finance | 06/06/20 | 0 | 06/06/22 | 06/06/22* | 4/06 |
| C-15 | An Act to amend the Agricultural Marketing Programs Act | 06/06/06 | 06/06/13 | Agriculture and Forestry | 06/06/15 | 0 | 06/06/20 | 06/06/22* | 3/06 |
| C-16 | An Act to amend the Canada Elections Act | 06/11/06 | 06/11/23 | Legal and Constitutional Affairs | 07/02/15 | 0 + 1 at 3rd | 07/03/28 | | |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-18 | An Act to amend certain Acts in relation to DNA identification | 07/03/29 | | | | | | | |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| C-24 | An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence | 06/12/06 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| C-25 | An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act | 06/11/21 | 06/11/28 | Banking, Trade and Commerce | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | 07/02/28 | Banking, Trade and Commerce | 07/04/19 | 0 observations | | | |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | 07/03/21 | Legal and Constitutional Affairs | | | | | |
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| C-36 | An Act to amend the Canada Pension Plan and the Old Age Security Act | 07/03/20 | 07/04/17 | Banking, Trade and Commerce | 07/04/19 | 0 | | | |
| C-37 | An Act to amend the law governing financial institutions and to provide for related and consequential matters | 07/02/28 | 07/03/21 | Banking, Trade and Commerce | 07/03/29 | 0 | 07/03/29 | 07/03/29 | 6/07 |
| C-38 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 6/06 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|------------------------|----------|-------|-----------------|-----------|-------|
| C-39 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 7/06 |
| C-46 | An Act to provide for the resumption and continuation of railway operations | 07/04/18 | 07/04/18 | Committee of the Whole | 07/04/18 | 0 | 07/04/18 | 07/04/18* | 8/07 |
| C-49 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 3/07 |
| C-50 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 4/07 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|--------|-------|-----------------|------|-------|
| C-252 | An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) | 07/03/22 | 07/04/19 | Social Affairs, Science and Technology | | | | | |
| C-277 | An Act to amend the Criminal Code (luring a child) | 07/03/29 | | | | | | | |
| C-288 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | 07/03/29 | Energy, the Environment and Natural Resources | | | | | |
| C-292 | An Act to implement the Kelowna Accord | 07/03/22 | | | | | | | |
| C-293 | An Act respecting the provision of official development assistance abroad | 07/03/29 | | | | | | | |
| C-294 | An Act to amend the Income Tax Act (sports and recreation programs) | 07/04/17 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|--|---|----------|-------|-----------------|------|-------|
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | | | |
| S-206 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Legal and Constitutional Affairs | | | | | |
| S-207 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 06/04/05 | 06/12/14 | Human Rights | | | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 06/04/06 | | | | | | | |
| S-209 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 06/04/25 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 06/12/06 | 1 | 06/12/07 | | |
| S-214 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 06/05/17 | 06/10/03 | Social Affairs, Science and Technology | 06/12/14 | 0 | 06/12/14 | | |
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| S-216 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 06/05/30 | 06/12/13 | Aboriginal Peoples | | | | | |
| S-217 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 06/05/30 | 06/10/18 | National Finance | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-218 | An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk) | 06/06/15 | 06/11/02 | Legal and Constitutional Affairs | | | | | |
| S-219 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.) | 06/06/27 | | | | | | | |
| S-220 | An Act to protect heritage lighthouses (Sen. Carney, P.C.) | 06/10/03 | 06/11/28 | Fisheries and Oceans | 06/12/11 | 16 | 06/12/14 | | |
| S-221 | An Act to establish and maintain a national registry of medical devices (Sen. Harb) | 06/11/01 | | | | | | | |
| S-222 | An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen) | 07/02/01 | | | | | | | |
| S-223 | An Act to amend the Access to Information Act (Sen. Milne) | 07/02/15 | | | | | | | |
| S-224 | An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell) | 07/04/17 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|--------|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|-----------|-------|
| S-1001 | An Act respecting Scouts Canada (Sen. Di Nino) | 06/06/27 | 06/10/26 | Legal and Constitutional Affairs | 06/12/06 | 0 | 06/12/07 | 07/02/21* | |

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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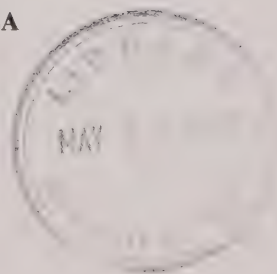
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NUMBER 88

OFFICIAL REPORT
(HANSARD)

Tuesday, April 24, 2007

—◆—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, April 24, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

MASTER CORPORAL ANTHONY KLUMPENHOUWER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we begin, I invite you to rise and observe one minute of silence in memory of Master Corporal Anthony Klumpenhower who was killed tragically a few days ago while serving his country in Afghanistan.

Honourable senators then stood in silent tribute.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the gallery where we have as visitors Mr. Slobodan Mikac, Managing Director of Croatian Trade and Investment Agency and Ms. Mikac, accompanied by Her Excellency Vesela Mrden Korac, Ambassador of the Republic of Croatia.

On behalf of all honourable senators we welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

CORRECTION TO RECORD

Hon. Colin Kenny: Honourable senators, I rise today to correct the record of last Thursday, April 19. In the course of debate on the Standing Senate Committee on National Security and Defence budget, Senator Stratton asked when the committee would be traveling to Newark and Washington. I responded the third week in May, but the correct dates are June 3 to June 8.

THE LATE JUNE CALLWOOD, O.C., O.ONT.

Hon. Consiglio Di Nino: Honourable senators, on April 14, 2007, the City of Toronto, indeed all of Canada, lost an extraordinary citizen, an extraordinary daughter. June Callwood was bigger than life. Her imprint as a writer, broadcaster, activist, wife, mother and friend was broad and deep. She touched the lives of thousands with a stubborn determination and a fearless and invincible attitude. That she was unconventional is an understatement. To her, failure was not acceptable.

June Callwood left a legacy of accomplishments in numerous fields which have been widely reported. I believe she would agree

that her enormous contributions to making life better for thousands of the less fortunate among us were her most valuable and rewarding public accomplishments. She broke down barriers, courageously went where others would not and was always the first to roll up her sleeves and pitch in.

I did not know her well. She was a community pillar and an icon, and yet, the times I met her or when our paths crossed I was awed by her gentle strength, her dignified presence and her strength of character. She inspired Canadians for three generations. She embodied the principle "if you can help, you must."

Of June Callwood's legacy we will say, "The world is a better place because of her."

• (1410)

STATE OF ISRAEL

FIFTY-NINTH ANNIVERSARY OF ESTABLISHMENT

Hon. Yoine Goldstein: Honourable senators, Dr. Arnold Toynbee, a renowned historian, called the Jewish people a fossil of history and predicted their imminent demise. That was a good number of decades ago. He is long gone. We are here.

Today marks the fifty-ninth anniversary of the establishment of the State of Israel, a Jewish homeland for those who wish to be there.

Canada, through Lester B. Pearson and many others, played a crucial role in the events leading up to the founding of the Jewish state, and Canada continued its active support of Israel when it was attacked on the day of its independence by all of its Arab neighbours. Canada has continued to play a significant role in the support of Israel throughout its many tribulations. Canada and Israel enjoy a free trade agreement, and institutional cooperation is actively pursued between Canadian and Israeli universities and scientific establishments.

Canada and Israel share fundamental common values: We both enjoy a democratically elected Parliament, an independent judiciary, gender equality and a free press, and we respect the rule of law. We are both societies ruled by laws and not by men. As a Canadian Jew, I am particularly proud of the supportive and moral role that Canada has played and continues to play in support of its sister democracy, Israel.

I am sure all honourable senators will join me in offering our very best wishes to Israel on the occasion of its fifty-ninth anniversary.

THE LATE MASTER SEAMAN ROXANNE LALONDE

Hon. Michael A. Meighen: Honourable senators, it was with great sadness mixed with considerable admiration that we learned this past weekend of the tragic events that occurred near Merrickville, Ontario, not far from Ottawa.

According to witnesses, Master Seaman Roxanne Lalonde, a 12-year naval reservist, did not think twice before jumping into the frigid waters of the Rideau River when she saw her friend struggling in the rushing current. Master Seaman Lalonde had just returned to her home in Merrickville and was awaiting a new posting in Kingston after serving for a number of years with HMCS *Scotian* in Halifax.

Although she was trained in rescue swimming, the waters proved to be too strong, and both she and Grant Galipeau, the 15-year-old boy she was attempting to save, lost their lives.

Honourable senators, this tragic event underscores the bravery and selflessness of so many members of the Canadian Armed Forces when faced with extreme conditions. Although we often hear of acts of valour by our servicemen and servicewomen abroad, these same men and women are clearly ready to respond in the same way here at home.

Master Seaman Lalonde is a shining example of that type of person, a person of the highest calibre who willingly put another's life before hers, one who leads by example, the type of person who serves in the Canadian Armed Forces. She is most certainly a hero and will be long remembered for her selfless act of courage.

On behalf of all honourable senators, I wish to express our deepest condolences to the families and friends of both Master Seaman Lalonde and Grant Galipeau during this very difficult time.

THE LATE JOCELYNE COUTURE-NOWAK

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to and to celebrate the life of Jocelyne Couture-Nowak, one of the 33 people whose lives were tragically cut short by the brutal massacre that took place last week at Virginia Tech.

Jocelyne was a loving and devoted wife and mother who took pride and passion in her French heritage, as well as the environment. Originally from Montreal, Jocelyne moved to Truro, Nova Scotia, in the 1990s, where her husband was a professor at the Nova Scotia Agricultural College and where she worked hard to spread her passion for the French language. In 1997, she helped to create Truro's first French-language school, called École Acadienne de Truro.

In 2001, she and her family moved to Blacksburg, Virginia, where both she and her husband took jobs with Virginia Tech. She was a French-language instructor and he was a horticulture professor.

Last Friday, over 400 people gathered in the town of Truro, Nova Scotia, to celebrate the life of this courageous and passionate woman. While her life may have had a terrible ending, her memory and love of life will live on in her two daughters and in the many people she touched in her role as a teacher. Perhaps if the troubled young man who caused this destruction had spent time with this wonderful woman, this tragedy could have been avoided.

[Translation]

My sincere condolences to her family, and to all those who lost someone in this tragedy.

• (1415)

[English]

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Hon. Catherine S. Callbeck: Honourable senators, yesterday at 9 a.m., Mr. Brian Ellis of Prince Edward Island began his walk across our province — a walk that he has undertaken to promote the importance of organ and tissue donation. I am sure that his choice of timing is no accident because this week marks National Organ and Tissue Donor Awareness Week.

Brian made the same walk last year, but his personal situation was different. As a dialysis patient, he hoped to educate Islanders about kidney disease, dialysis and its impact, as well as organ donation.

Eight months ago, Brian Ellis received a gift — the gift of life. Brian is a donor recipient who now enjoys a life much different than the one he led a year ago. In order to promote the act of organ and tissue donation and to bring attention to such a worthy cause, Brian has set out again to walk across the Island.

According to the Canadian Association of Transplantation, there were more than 4,000 individuals on the waiting list for organ donation last year. Unfortunately, because of a lack of organs, doctors were able to perform only 1,803 transplants and, most sadly, nearly 200 of those Canadians on the list lost their lives while waiting — about four people per week. Despite incredible strides in medical procedures in recent years, the sad truth is that without increasing the number of organ donors, our medical advances mean little to those who wait for the transplant that never comes.

In addition to organ donation, many Canadians are unaware of the possibility of tissue donation, such as corneas, heart valves, bones and skin. Almost everyone can donate tissues within certain time limits and regardless of age or medical history. In fact, I have experienced this type of donation first-hand: The corneas of a relative have given someone else the gift of sight, greatly improving that person's quality of life.

Honourable senators, a full donation by one person has the potential to save up to eight lives through the donation of vital organs. That full donation can also improve the health and quality of the lives of another 50 people through the donation of tissues.

I would like to encourage all Canadians who are considering the gift of life to learn more about the requirements in their home province and to urge them to make certain that their families are fully informed of their wishes. I would also like to thank those Canadians who have already made the necessary arrangements to become organ and tissue donors. Their compassion, goodwill and remarkable generosity will offer hope to the thousands of their fellow Canadians who are waiting for transplants.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS TRIBUNAL

2006 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the 2006 annual report of the Canadian Human Rights Tribunal, entitled *To ensure that Canadians have equal access to the opportunities that exist in our society through the fair and equitable adjudication of human rights cases that are brought before the Tribunal*, in accordance with subsection 61(4) of the Canadian Human Rights Act.

[English]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

GOVERNMENT RESPONSE TO REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Government Response to the Second Report of the Standing Senate Committee on Official Languages entitled, *Understanding the Reality and Meeting the Challenges of Living in French in Nova Scotia*.

[Translation]

STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table the 14th report of the Senate Standing Committee on National Security and Defence regarding the subcommittee's attendance at the 90th anniversary of the Battle of Vimy Ridge.

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1420)

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF GOVERNMENT POLLING— APPOINTMENT OF DANIEL PAILLÉ

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to begin by congratulating the minister responsible for the Old Port on his announcement in

Montreal in support of a site that will be the pride and joy of Montrealers and Quebecers. This project follows up on facilities that are becoming more and more popular and was developed in collaboration with various museums by the previous government. I would like to congratulate the minister on taking this step.

Honourable senators, my question is for the Minister of Public Works and Government Services. In light of other decisions that I have not been pleased with, my question is about the polling review decision. Canada's Auditor General has already reviewed the public opinion polling contracts, and in her February 2004 report, she said:

[English]

We found that the government managed its public opinion research activities adequately.

[Translation]

We all know — especially we Liberals — that Ms. Fraser does not usually mince words. Despite the review conducted by an experienced and independent office that is the only entity with the legitimacy, authority and impartiality required for this type of institutional audit, the minister decided to appoint Daniel Paillé to conduct a review of his own — which is a first — to obtain conclusions unlike those of the Auditor General. The minister has emphasized that this individual is an independent consultant.

We know that Mr. Paillé, a Quebecer, officially supported Ms. Marois during the Parti Québécois leadership race in the fall of 2005. If the sovereignists, who would dearly love to see Quebec separate, changed sides in less than a year, it would not go unnoticed. According to the minister, Mr. Paillé is now a federalist who cares deeply about the interests of Canadians.

We would agree that Mr. Paillé has a certain academic knowledge. This is not necessarily a prerogative of the federalists, and it certainly provides no guarantee of an enlightened assessment of the Government of Canada's administration. Mr. Paillé has, at times, committed errors in judgement. For instance, he had to apologize before the National Assembly of Quebec for having used departmental letterhead to compose a letter in which he objected to the opening of a child care centre near his home, claiming that it would reduce the value of this property.

In light of these facts, it seems to me that the minister probably showed a lack of diligence by placing his trust in that individual. Perhaps he was influenced a little too much by the political issues in Quebec.

How can the minister now try to reassure us that Mr. Paillé will provide an objective report, in the best interest of all Canadians, and that this million dollars has not been awarded for purely partisan purposes?

• (1425)

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for her question. The senator's absence was noticed last week — her presence was greatly missed — and, had she been here, she would have witnessed some interesting debates on this matter, among others.

Before responding to the question, if I may, I would also like to talk about last Friday's announcement. The senator is assigning me responsibilities that are simply not mine to assume. I am not the minister responsible for the Old Port of Montreal. That would be Mr. Lawrence Cannon, but I was very pleased to make the announcement. Furthermore, Senator Fox was my special guest at the head table and he appeared very proud of the announcement. I would also like to congratulate him — as I did in May of last year — for he submitted, with Mr. Lucien Bouchard, a report on the Société du Havre de Montréal, which Mr. Cannon and I made use of. Thank you for offering me flowers, but I am pleased to share them with our colleague, Senator Fox.

To return to the question, I would not call this a counter-inquiry. I will simply recall the facts. We talked about it during the last election campaign. After carefully reading the Auditor General's report, we believed, as a political party, that we needed to do more than just review a sample of contracts. That is what the Auditor General did.

I reminded Senator Tardif of that last week. Mr. Paillé's review will cover the period from 1990 to 2003. He will review all polling contracts awarded by the Government of Canada, not just a sample. I would like to remind you that the sample studied by Ms. Fraser led her to raise serious questions about the practices adopted.

We have kept an election promise. Mr. Paillé is very qualified. I would like to remind you that the *La Presse* editorial writer, Mr. André Pratte, confirmed that Mr. Paillé had all the qualifications to carry out the task. I feel very reassured by our government's choice as should the honourable senators.

Senator Hervieux-Payette: I was not questioning his professional qualifications. Rather I was questioning the choice of an individual who does not believe in Canada. The choice of someone who, while a member of the Quebec government, intervened and withdrew a public tender issued by the Société immobilière du Québec in order to ensure that a Quebec labour ministry office be located in Saint-Jérôme, that is to say close to his political interests, rather than in Saint-Antoine. The people there remember it as a purely partisan move.

We are not questioning his professional qualifications, but rather whether or not he can be impartial, and whether an individual who does not believe in this country and who will be preparing a report — paid for by Canadian taxpayers and costing one million dollars — can be objective. We believe that this individual is definitely not capable of preparing such a report in an objective manner.

Senator Fortier: I will give the same answer I gave last week. I think that Quebec — and I would like to draw the attention of the honourable senators to the results of the election on March 26 — is no longer dealing with the same battle between separatists and federalists we had back in Jean Chrétien's day. Quebec has evolved. You have people who are evolving with you, people like Mr. Lapierre, who has been a Bloc member and a minister of the Crown in the other place. I do not recall ever hearing the honourable senator say that he was a man who wanted Quebec to separate and should therefore not have his place.

Quebecers went through two referendums in 15 years. Many people voted yes in one or the other, and in 1995 the results were very close. People have evolved. Mr. Paillé came here to Parliament to make an announcement with me with Canadian flags behind him. His task will be purely analytical work and his report will be public. You will be able to see whether this report is objective or not since you will have in hand, not just its conclusions, but the entire report. I ask honourable senators to wait for the report instead of worrying for no reason.

• (1430)

Senator Hervieux-Payette: We are not going to discuss the entire political history of Quebec. I will remind you of other people involved in the Parti Québécois, such as Minister Bachand, who publicly said that he no longer believed in this option and was professing his faith in Canada. Will the minister ask Mr. Paillé to profess his faith in Canada?

That is what we expect from someone who is going to work in the interest of Canadians, instead of saying that his political opinions, a year later, after running in a leadership race, are personal opinions. As far as I am concerned, there is no doubt in my mind that this person does not have enough objectivity to conduct an independent investigation.

Senator Fortier: You understand that I disagree with you. He does have enough objectivity. The report will be public and you will be able to look at the findings.

[English]

Hon. Grant Mitchell: Honourable senators, I have a supplementary question.

The minister clings to the idea that Mr. Paillé, despite contrary evidence, might be capable of conducting this investigation. He did not answer my question the other day as to whether he could possibly do it better than the Auditor General, Sheila Fraser.

Could the minister indicate what part of this investigation that he believes the Auditor General could not do less expensively, equally or better and could not do far more objectively without any of the questions about the bias of a separatist getting \$1 million from the Government of Canada?

Senator Fortier: I thank the honourable senator for his question.

The Auditor General published the report in 2003. She has since, as the honourable senator knows, followed with another report where she said that looking forward after 2003, she is satisfied that the rules for this particular aspect of contracting have been followed. As far as we are concerned, and as far as she is concerned, that is the end of it with regard to spending more time on this subject.

I bring the honourable senator back to the 2005-06 election. This is not a surprise; it was part of our platform. I am surprised that he is surprised, to be honest. It is not as though we have come out from the broom closet with something. We said we would do this if we were elected and we were elected. I think it is more the fact of Mr. Paillé's involvement than anything else.

If the Liberal Party and the folks who were around even back to 1990 during the Mulroney years have nothing to fear, then they have nothing to fear from this report or from Mr. Paillé.

Senator Mitchell: Neo-conservative governments always say that they understand smaller government and always work towards it.

Why would the minister continue in this way to create more bureaucracy to do something that the Auditor General has in place, has already done the background work on, is perfectly efficient and capable of doing, and could just as easily be asked to do as Mr. Paillé?

Senator Fortier: Honourable senators, as I just said, the Auditor General has dealt with this issue. She gave us a hint in 2003 when she said that she was concerned with some items in the report. We read that report and agreed with her concern. We made it clear in our 2005-06 platform that if elected we would look into the Auditor General's concerns. We have gone back to 1990.

Canadians want to know what happened. The people that we talked to say, "Let us figure out what is going on and let us see whether the contracting rules were followed; if they were, that is fine; if not, we want to know exactly what took place."

Senator Tkachuk: That is why Prime Minister Paul Martin established the Gomery Commission.

Senator Mitchell: The defence is that the government kept a promise. I am sure Danny Williams would love to hear that defence with regard to his program.

This minister stood in this house and was very derogatory about the people who sit in the Senate. When I hear this kind of political partisan approach to issues, all I can say is that for one who said that, the minister has certainly lowered the bar.

Senator Tkachuk: Please, at least, we know who we are.

AWARDING OF CONTRACT TO CGI GROUP INC.— POSSIBLE CONFLICT OF INTEREST

Hon. Grant Mitchell: I have to say that it is very hard, honourable senators, to take seriously the neo-conservative government's advocacy of accountability.

First, Bill C-2 had to be rushed through, and months later still has not been proclaimed. Bill C-2, the centrepiece of "accountability," still has not been proclaimed.

• (1435)

Second, the Prime Minister hires a stylist — God knows he needs one — but will not reveal to the people of Canada what that stylist costs. Now we see the Fortier fiasco as it builds. First, the CGI friend gets a \$400-million contract. Second, Mr. Paillé must be a friend; otherwise, why else would he give that kind of money to a separatist?

Does the minister honestly expect that Canadians could possibly be satisfied with the explanation that the decision on the \$400-million CGI contract was made by departmental officials and that Minister Fortier himself had absolutely nothing to do with it? What does that say about accountability?

Hon. Michael Fortier (Minister of Public Works and Government Services): I am sorry, but I did not hear the honourable senator's question.

Senator Mitchell: Does the Minister of Public Works expect that Canadians could conceivably be satisfied with his explanation that the \$400-million CGI contract was decided upon by departmental officials alone without any involvement on his part? What does that say about accountability?

Senator Fortier: Honourable senators, I believe the honourable senator is mixing up issues. One issue is whether the minister was involved directly or indirectly in the award of this contract or any contract. The answer is no. I have said that before and I repeat it again.

I do not know what set of criteria the senator is using with regard to how a minister is or is not supposed to be involved in contracting. My government and I do not get involved. We leave this to the people at Public Works and Government Services, where there are 10,000 people looking after procurement, and they do a great job of it.

The honourable senator suggests that I am involved. If he is brave enough, he should make that statement outside. He is also insulting the people at Public Works and Government Services Canada, people who do this work on behalf of all Canadians.

I have not been involved, nor would I think of being involved, because it is not my nature. Senator Mitchell will have to accept my word with respect to this matter. Should he choose not to accept my word on the matter, I would suggest that he go outside and make that statement to reporters.

Senator Mitchell: This is like high school; we have to go outside.

Did Minister Fortier, who claims to have had absolutely nothing to do with this contract, sign the submission that went to Treasury Board and ultimately to cabinet for approval?

Senator Fortier: We do not comment on the status of contracts. Senator Mitchell should know that, having been here for a while.

Senator Tkachuk: He was never in government.

Senator LeBreton: He was the leader of the opposition in Alberta.

Senator Fortier: Oh, he has never been in power. That is true.

The department will make public the information with respect to who has won this contract when it is ready to do so.

Senator Mitchell: Honourable senators, could the minister confirm, on the record, that he did not meet with CGI officials, in person or by phone, either recently, before or during the tendering process leading up to the decision to give the contract to CGI? Could he confirm that he did not meet with CGI officials in any way on that process?

Senator Fortier: I have never met with them at all to discuss this contract.

Senator Mitchell: Could the minister please confirm what role he played in rewriting the terms of reference of the contract so that it specifically precluded a number of CGI's competitors?

Senator Fortier: As I indicated to the honourable senator, I have not been involved, directly or indirectly, in this or any other contract, and that includes RFPs, which are public and on MERX. The honourable senator can visit the MERX website, if he wishes.

The tendering process is run by public servants. Ministers do not have a role to play in it. I do not know what Senator Mitchell does not understand in “we do not have a role to play.” I would ask the honourable senator to please keep that in mind.

Senator Mitchell: That certainly is not an explanation that was ever accepted from our government.

The Hon. the Speaker: I recognize Senator Trenholme Counsell.

Senator Mitchell: I have just one more question.

Why will the government not —

The Hon. the Speaker: Order. The chair has recognized the Honourable Senator Trenholme Counsell.

Senator Mitchell: Why will the government not submit the contract to an inquiry, perhaps conducted by the procurement auditor?

The Hon. the Speaker: The chair has recognized the Honourable Senator Trenholme Counsell.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

REPORT OF MINISTERIAL ADVISORY COMMITTEE ON CHILD CARE SPACES INITIATIVE

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. I read with much interest the report of Dr. Gordon Chong, entitled *Child Care Spaces Recommendations. Supporting Canadian Children & Families: Addressing the Gap Between The Supply and Demand for High Quality Child Care*.

• (1440)

In this report, reference is made to the establishment of a “national child care spaces investment fund” to be administered by a third party to which federal funding for new child care spaces would be deposited annually. However, in reports of Minister Solberg’s comments regarding new child care spaces there is no reference to such a fund. Rather, an interview with the minister indicated that the dollars allocated from the federal government annually for new child care spaces would be included in the Canada Social Transfer to provinces and territories. Will the money, after year one, be placed in a fund as recommended in the report, designed specifically for child care spaces, or will it be lumped into the Canada Social Transfer without absolute assurance that this additional money will be marked exclusively and totally for child care?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I saw the report that Mr. Gordon Chong, a very qualified and eminent Canadian, has submitted. Budget 2006 established the Universal Child Care Benefit, which as of July 1, 2006, has been providing assistance to families. Budget 2006 also set aside \$250 million per

quarter for the new child care spaces initiative beginning in 2007-08. Bill C-52 would legislate this program by providing \$250 million for the creation of child care spaces distributed to the provinces and the territories on an equal, per capita basis. This funding will flow through the CST beginning in 2008-09.

Senator Trenholme Counsell: I guess, then, the recommendation on page 13 of the report regarding the establishment of a national child care spaces investment fund will not happen. Rather, I conclude from the honourable senator’s remarks that the money will go into the Canada Social Transfer, which is a large basket. The money is directed to many places. I would like to know why — perhaps in a delayed answer — this fund is not being established.

I was pleased that the word “quality” was used several times in this report, but in the recommendations regarding measurement and evaluation, there was no mention of quality, which I believe is a serious oversight.

While quality child care was included in the report, there was absolutely no mention of early childhood care, except in Appendix V, which refers to current federal government programs. In other words, there is no ongoing emphasis on early childhood development.

The criteria for the measurement and evaluation of new spaces recommended in the report were these: number of spaces, degree of innovation and employer involvement in the provision of these spaces.

Would the honourable leader agree that the standard of quality child care should have been included in the list of recommendations to measure the success of future child care spaces? It was commendable that the word “quality” appeared throughout the report, yet when one reads the recommendations for evaluation of this ongoing program for new spaces, the report only talks about numbers, innovation and the involvement of employers.

Senator LeBreton: I would suggest that no government would embark on the issue of child care without insisting that it be quality child care. That much is obvious.

As I said previously, Budget 2006 commits \$250 million a year to the provinces and territories to support the creation of flexible child care spaces beginning in 2007-08. This amount is in addition to \$500 million for early childhood development and \$350 million for early learning and child care through the Canada Social Transfer.

In addition, the budget provides a 25 per cent investment tax credit to encourage businesses to create new licensed child care spaces, providing up to \$10,000 of assistance for each space provided or created.

• (1445)

The government takes this issue very seriously. We realize the country is diverse and that child care needs vary from location to location. There are quite different needs in smaller and rural centres as opposed to large urban centres. The government is committed to quality child care spaces, and I believe the measures we have taken in Budget 2006 and Budget 2007 go a long way to addressing these needs and concerns.

PUBLIC WORKS AND GOVERNMENT SERVICES

CREATION OF WORKPLACE CHILD CARE SPACES IN FEDERAL BUILDINGS

Hon. Joan Fraser: Honourable senators, I have a question for the Leader of the Government in the Senate.

Last November 23, I put a question to Senator Fortier. Unfortunately, he was not present at the time, so Senator LeBreton took the question. The answer to that question was received last week, and I can see why it took so long to produce. It is pretty embarrassing stuff.

The question was:

... is it the policy of the federal government to have day care centres in all federal buildings or workplaces?

— as it is encouraging the private sector to do, sort of —

If so, can we know the costs of them, both capital and operating, and how many places exist?

Well, coast to coast to coast, this government, which is one of the largest employers across the country — maybe the largest — has a grand total of 11 daycare centres. Five of those centres are here in Ottawa, leaving only six for the whole rest of the country.

The total rent subsidy, which is the only dollar figure provided, is a grand total of \$1.3 million a year, which is probably less than the coffee budget for a single ministry. The policy portion of the answer reads, in part — and I quote:

It is Treasury Board policy to provide departments with the authority to establish workplace day care centres when it can be demonstrated that they are financially viable and self-supporting with a proven and sustained demand.

Anyone who has done any work in this area knows that, when the employer does not have a daycare centre, parents who work for that employer are obliged to make other child care arrangements. Having made other child care arrangements, it is quite disruptive to move one's toddler out of that daycare centre and into the lovely new one the government will provide. However, anyone involved with this area also knows that, if you build it, they will come.

Hence, I shall repeat my question to the government leader: Is the Government of Canada prepared to do as it is urging private employers to do, that is, to create a proper network of high quality daycare centres in its workplaces across this country?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank the Honourable Senator Fraser for that question. As the honourable senator knows, when she asked that question, I took it as notice. I am surprised at how long it took the answer to be forthcoming. However, I am doubly surprised that the honourable senator would choose to read the answer into the record. We have been the government for just a little over a year;

her government was in power from 1993 to 2006. when I read that delayed answer, I said, "Oh, well, another example of they did not get it done."

The current government has taken a lot of initiatives in the budget to provide child care spaces. I do not know of any specific plan regarding incentives for child care spaces provided in the various government offices; perhaps I shall ask specifically whether this government intends to do a better job than the previous government in providing the spaces.

Senator Fraser: The previous government, as the minister knows, had negotiated for the first time in Canadian history a very elaborate and well-funded daycare program to cover the whole country, a program that all the provinces had signed on to. This government chose to go another route; hence, I was asking whether the government would put its money where its mouth is, which is not where the previous government's policy was leading.

However, let me put a supplementary question to the Minister of Public Works.

• (1450)

This government's policy is apparently to privatize federal buildings at a galloping rate. Is the minister prepared to make it standard policy that in negotiating contracts for those privatizations, he builds in requirements for the inclusion of daycare centres paid for by the new proprietors?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, the honourable senator knows that the process for disposing of these buildings has just begun. We are hoping, if the transaction turns out right and we get an interesting offer from a party or several parties, that we turn ownership over to them.

If there are any initiatives involving daycare facilities in those buildings, I think it should come from an effort on the part of the departments that are in those buildings and the proprietor. I think it is best that the tenants and the landlords come to an agreement on this issue rather than imposing daycare facilities in the process of the disposal of the buildings.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

REFORM OF EMPLOYMENT INSURANCE ACT

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. A week or so ago, all political parties in the House of Commons urged the government to amend the Employment Insurance Act. In addition to this demand from the opposition parties in the House of Commons, a large number of Canadians have found very serious problems with the employment insurance program. Seasonal workers, such as fishers and those from other important sectors in different regions, as well as self-employed workers will be affected by this reform.

Does the government intend to follow up on the recommendations that were made on employment insurance reform, considering that the employment insurance surpluses were financed by Canadian workers, who are entitled to receive a fair return on their investment?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for his question. The EI system strikes a balance between temporary income support for Canadians while they find employment, and keeping people in the workplace. There are some areas in the country where there is still high unemployment.

The minister is taking into account these high unemployment areas. The report of the committee in the other place has been referred to the minister. This is a very important question because the diversity of the Canadian workforce. In some areas of the country the unemployment levels are very low, while in other parts of the country where there is seasonal employment, the levels are very high.

I will attempt to obtain for the honourable senator a definitive answer from the minister as to how he intends to respond to the recommendations of the committee.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the participants of the Spring 2007 Parliamentary Officers' Study Program.

On behalf of all honourable senators, welcome to the Senate of Canada.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table the answers to three oral questions asked by the Honourable Senator Carstairs, on March 20, 2007, regarding Budget 2007 tax credits to families; the Honourable Senator Milne, on March 28, 2007, regarding heritage preservation and the demolition of buildings at the Pickering land site; and the Honourable Senator Carstairs, on March 29, 2007, regarding the Budget 2007 proportion of gross domestic product allocated to foreign aid.

BUDGET 2007

TAX CREDIT TO FAMILIES

(Response to question raised by Hon. Sharon Carstairs on March 20, 2007)

Canada's Conservative Government has taken decisive and substantial measures to assist those Canadians in need. Even a brief examination of Budgets 2006 and 2007 would clearly show how we're helping hard-working Canadians.

Indeed, in our first two budgets we have introduced a number of tax relief measures with tax savings totalling nearly \$38 billion — which have completely eliminated 885,000 low-income Canadians from the tax rolls.

Among the myriad of tax-measures we've introduced include the Working Families Tax Plan proposed in Budget 2007, and Budget 2006 measures such as the Canada

Employment Credit, increases to the Basic Personal Amount and the reduction in the lowest personal income tax rate.

It should be noted that Budget 2006 and 2007 also introduced several measures benefiting those Canadians with income too low to pay personal income tax — such as the Working Income Tax Benefit, the one-point rate reduction in the GST and the Universal Child Care Benefit, which helps all families with young children by providing \$1,200 per year per child under age six.

These measures are in addition to the existing support for low-income families provided through the GST credit, the Canada Child Tax Benefit and the National Child Benefit Supplement.

As mentioned, our Government announced the new Working Families Tax Plan in Budget 2007. In its entirety, the Working Families Tax Plan removes 230,000 low-income Canadians from the tax rolls. Furthermore, over one-half of the tax relief provided by Budget 2007 will go to Canadians with incomes under \$37,178 — the bottom personal income tax bracket threshold.

This plan includes a child tax credit, providing up to \$310 in tax relief for each child under 18, and an increase in the spousal and other amounts to the same level as the Basic Personal Amount — providing up to \$209 of tax relief in 2007 for single earner families.

Another major positive development was the Working Income Tax Benefit proposed in Budget 2007, a benefit that will help people over the 'welfare wall' into a better, more prosperous life for themselves and their families.

The WITB will help make employment more rewarding and attractive for more than 1.2 million low-income workers, including single parents and those employed on a part-time or temporary basis. It will provide couples and single parents earning between \$3,000 and \$21,167 up to \$1,000 annually. There is an additional supplement of up to \$250 for those eligible for the Disability Tax Credit.

This particular measure has been roundly applauded from all corners. The Canadian Labour Congress said the WITB "initiative is worthy of support." The Retail Council of Canada said it "should help to reduce the disincentive for some individuals to leave welfare to find paid work." The Canadian Association for Community Living congratulated the government for its introduction, saying it would "assist people with disabilities over the welfare wall." Even the NDP finance critic called it "an important program that goes in the right direction."

As we move forward, Canada's Conservative Government is further committed to reducing personal income taxes. This commitment is supported by the Government's Tax-Back Guarantee, which means interest savings from national debt repayment will go to personal income tax reductions so that Canadians can take home more of their hard-earned pay.

TRANSPORT

CANADA LANDS COMPANY—DEMOLITION
OF ARCHITECTURAL HERITAGE BUILDINGS
AT PICKERING AIRPORT

(Response to question raised by Hon. Lorna Milne on March 28, 2007)

Regarding the demolition of three vacant residential dwellings on the Markham portion of the Pickering Lands site, Transport Canada was legally committed to follow through with the demolition as this was the ground for issuing Notices of Termination to the tenants under the Ontario *Tenant Protection Act* several years ago. The first inaugural meeting of the Transport Canada Heritage Advisory Committee was held after the three tenants in Markham were notified of Transport Canada's intent to terminate their tenancies for the purpose of demolition.

All properties on the Pickering Lands Site are subject to review by the Federal Heritage Building Review Office for federal heritage significance. Transport Canada has also been working with the municipalities on their local heritage plans. As referenced by the Honourable Lorna Milne in the Senate on March 28, 2007, Transport Canada offers municipalities the opportunity to bring forward their local heritage plans prior to demolitions. Despite a number of prompts from Transport Canada, no such local heritage plans were received from the Town of Markham.

The Department will call a Transport Canada Heritage Advisory Committee meeting shortly depending on the progress of local heritage evaluations as well as clarification of other related matters.

BUDGET 2007

PROPORTION OF GROSS DOMESTIC PRODUCT
ALLOCATED TO FOREIGN AID

(Response to question raised by Hon. Sharon Carstairs on March 29, 2007)

The Government has consistently increased the International Assistance Envelope. Budget 2007 reconfirms the government's commitment to grow by 8 per cent per year, so as to double international assistance by 2010-11 from 2001-02 levels. This means that international assistance will grow to approximately \$4.4 billion in 2008-09.

In addition to the 8 per cent growth, the budget provides \$315 million in new money (\$200 million in further development assistance to Afghanistan and \$115 million to support the Advanced Market Commitment).

While the quantity of aid Canada provides is important, its quality is just as important. Budget 2007 provides clear direction on improving aid effectiveness by strengthening focus, improving efficiency and increasing accountability of Canada's international assistance programs.

• (1455)

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Government Business, I wish to present the ruling on the point of order raised concerning extensions of the time limit on speeches.

Honourable senators, on Tuesday, March 27, 2007, Senator Murray participated in the debate on the motion to amend the second reading motion of Bill C-288, dealing with the Kyoto Protocol. At the end of the 15 minutes allotted to him for debate, the senator agreed to ask for an extension of his speaking time in response to a request by Senator Fraser to pose a question. Leave was granted with the condition that the extension be for no more than five minutes.

Following the exchange between Senator Fraser and Senator Murray, Senator Cools rose to put a question to Senator Murray. However, as the agreed extension of five minutes had expired, as Speaker I informed Senator Cools of that fact and indicated that she was being recognized for debate. While acknowledging that Senator Murray's time by agreement had been extended for only five minutes, Senator Cools objected to this limitation on debate and proceeded to put a question to Senator Murray, which was duly answered. Senator Cools then continued with some comments which led to a request for a further response from Senator Murray.

I then recognized Senator Joyal, who asked whether Senator Murray's time had been extended so that he could ask him a question. I answered by stating that the debate had passed to Senator Cools. This led Senator Cools to state that she had thought she had "asked the chamber if we could extend Senator Murray's time. Senator Murray stood up and spoke and I was answering him."

After some additional exchanges with several senators about what had actually happened, debate on Bill C-288 was adjourned and Senator Cools rose on a point of order to challenge the practice of granting leave to extend a senator's debate for a five-minute period of time. According to the senator, this practice is "unfair" because it denies senators the right to express themselves on important issues that require further debate.

[Translation]

Intervening to speak to the point of order, Senator Fraser reminded those present that the Senate is master of its own proceedings and suggested that the Senate should perhaps reconsider the practice of automatically giving five additional minutes each time leave is sought to extend debate. Senator Comeau was of the opinion that the practice of granting leave for five minutes had created the equivalent of a Senate convention or practice, which serves everyone's interests fairly. It was his opinion that the five minutes was originally a courtesy period given to allow the orator to wrap up a speech. He added that, if the Senate wanted to change the practice of granting an extension of only five minutes, the senator requesting leave to extend debate should indicate how much additional time was needed.

Senator Cools rose again to stress the importance of taking advantage of the immediacy of questions and comments following a senator's intervention. In her opinion, a comment or question does not carry the same weight when it takes place after the fact and senators should be able to put comments or questions directly to the senator involved. In closing, Senator Cools repeated that she had thought she had asked for an extension of Senator Murray's time and that was how she believed that she had participated in the debate on Bill C-288.

[English]

I wish to thank, as always, those senators who contributed to the discussion on the point of order. At the time, I decided to take the issue under advisement. While the Senate was adjourned, I reviewed the *Debates of the Senate, Rules of the Senate of Canada*, precedents and relevant authorities and am now prepared to give my ruling.

First, I would like to point out that rule 37(4), which deals with the time limit on senators' speeches, is quite categorical. It states:

... no Senator shall speak for more than fifteen minutes, inclusive of any question or comments from other Senators which the Senator may permit in the course of his or her remarks.

This time limit on debate was incorporated into the *Rules of the Senate* in 1991, together with numerous other rules that were drawn up to more clearly structure the Senate's sitting day and to better assure the ability of the government to transact its business.

• (1500)

Despite these mandated time limits on debate, it remains possible to extend the time for an individual senator's debate through leave. Originally, such requests were without any restriction. This then led to objections that too much time was being monopolized when leave was granted. Speaker Molgat acknowledged this situation in a ruling made on May 11, 2000, when he addressed a point of order similar to this one. Referring to rule 37(4), Speaker Molgat recognized that:

There is no doubt that the current rule is restrictive. With growing frequency, requests are being made to extend the time for debate and the question and comment period that can follow a speech. Only rarely are these requests denied. This practice, in turn, may now be giving rise to a sense of frustration. This appears to be evident based on the objections that have occasionally been raised by some Senators who find the process too open-ended.

[Translation]

Speaker Molgat went on to state that, through rule 3, it is procedurally acceptable to suspend rule 37 strictly limiting the time available for debate and, at the same time, impose specified conditions or limits of time to a request to extend the time for debate. As Speaker Molgat explained in his ruling:

... I do not find it procedurally objectionable to have a request for leave to suspend the rules limiting the time for debate combined with a proposal to fix the time of the extension. Indeed, following the model of the House of Lords... it might be useful and advantageous to the

Senator, who is requesting more time, to indicate how much time is needed in order to improve the likelihood of a favourable response. Moreover, such an approach would, I think, be in keeping with the intent of rule 3 regarding the suspension of any particular rule. According to this rule, the purpose of any proposed suspension should be "distinctly stated." As much as possible, I have usually permitted an explanation so long as it did not involve any prolonged discussion. This I think is a sensible approach that could serve the Senate well until the rules of debate are revised.

[English]

I concur with Speaker Molgat's assessment and I accept his ruling, which was not appealed. In addition, I have found that *House of Commons Procedure and Practice*, by Marleau and Montpetit, supports this position. It states on page 498 that — and I quote:

During debate, unanimous consent has been sought to extend briefly the length of speeches or the length of the questions and comments period following speeches.

I believe it is perfectly in order to set a specific time limit when requesting an extension of a senator's time in debate. Indeed, there is nothing prohibiting the inclusion of any condition in a request for leave to suspend a rule.

At the same time, I should note that, in reviewing the precedents, there have been numerous instances since Speaker Molgat's ruling when rule 37(4) was suspended in order to give leave for a few additional minutes of debate. As mentioned by Senator Comeau, it would seem that the Senate does generally give leave for no more than five minutes, probably because it is usually sufficient to allow senators to wrap up their speech or to answer a few questions. This is not to say that it has become a convention or practice. In fact, no rule or precedent is ever created through the use of leave. However, I should add that there is nothing that binds the Senate to a particular limit, if any, in extending the time for a particular senator in debate. Indeed, in my study of precedents, I identified a number of instances where the Senate gave leave to extend debate by more than five minutes. I have examples when the Senate granted an additional 10 minutes, 15 minutes and even as much as 30 minutes.

[Translation]

In addition, there is nothing preventing an additional request for an extension of time in debate when the original extension is exhausted. This is what I think Senator Cools thought had happened on March 27. However, as the *Debates* show, the request was not actually put to the Senate and there is no indication that the Senate had agreed to the extension of additional time to Senator Murray beyond the five minutes. This, in turn, led to some confusion about whether Senator Cools was participating in debate on her own time or asking Senator Murray a question, prompting Senator Cools to raise her point of order.

[English]

In summary, it is my ruling that a request seeking leave to extend debate is procedurally acceptable. Equally, it is competent for the senator requesting leave, or any other senator, to specify

the length of time for that extension. In all such cases, however, the leave of the Senate is required to suspend the limits of debate established by our rules.

[Translation]

POINT OF ORDER

Hon. Pierre Claude Nolin: Honourable senators, I rise on a point of order. I would note that it is the responsibility of the Honourable the Speaker, as the Speaker for our debates, to maintain order and decorum in this chamber pursuant to rule 18. Rule 18(5) is very clear:

When the Speaker rises, all other Senators shall remain seated or shall resume their seats.

Honourable senators, I presume that this rule is as simple and easy to understand in French as it is in English. I would like all of my colleagues to respect this rule. I have sat in the Senate for 14 years, and for 14 years, I have been tempted to remind my colleagues of this rule.

Today, honourable senators, I have had enough. I would like to be frank, if I may: please, I know that during Question Period, we have some difficulty maintaining decorum in this chamber, but when the Speaker rises to speak, the least we can do is respect the rule we ourselves devised and sit down.

Honourable senators, I would add that although I realize that the Rules do not apply to Senate staff, I am also directing my remark to the clerk in the hope that the clerk will ensure that Senate staff also strive to respect this rule, please.

The Hon. the Speaker: Are there other senators who wish to comment? I am ready to rule on this point of order.

[English]

Hon. Anne C. Cools: Honourable senators, I should like to concur with Senator Nolin on this. He specifically mentioned Question Period. Unfortunately, I was out of the house for most of Question Period, but I wish to support Senator Nolin in this point of order. I would also say that sometimes, in the rough and tumble of this place, there is a little bit more excitement, senators are oblivious or forget or overlook the fact that they should observe certain practices.

Senator Nolin made a profound point that the rules also apply to the table officers. It is not unusual for there to be distractions, as table officers are running back and forth toward the Speaker and the table. I should like to thank Senator Nolin for bringing forth his very important point, and I support him in that.

• (1510)

This chamber is less boisterous than is the other place and when a senator raises a point of order, he should be supported in his efforts. Time and again in this place I have said that true democracy, freedom and liberty are in the rules. It often seems that fewer and fewer in this place understand their way in and around the rules as the rules have become the purview or the preserve of the staff and table officers. I recall a time when 10 to 15 senators would be on their feet ready to speak on questions of privilege and points of order.

Senator Nolin, when a senator rises I feel a need to give my support because speaking on a point of order is difficult. I would add that the system provides that senators are to rule this place. When I came to the Senate, the leaders and the senators actually ran this place. The Speaker of the Senate hardly ever spoke, and it was understood that he was not to speak until he was invited to do so. I hasten to say that we would do this country a great service if we were to adopt the role of all senators mastering the system. In that way, all senators would be well acquainted with it and would assist to move proceedings along.

Honourable senators, when I came to the Senate, the book on the *Rules of the Senate* was about 10 per cent of its size today. Hence, I shudder each time we make more rules. The more rules, the less some senators know them and the more senators are reliant on their staff. I was raised to believe in this system and to respect it. Senators should work hard as a group, no matter the side of the house on which they sit, to preserve the institution. That is why I was so distressed about some of Senator Fortier's comments on the Senate and the statements by the Prime Minister and by the Leader of the Government in the Senate. These parliamentary institutions are the embodiment of our liberties.

I encourage all honourable senators to take hold of it. I support Senator Nolin. His point of order is valid.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to participate in this debate and remind honourable senators that showing courtesy and respect for everyone is one of the fundamental rules of a democracy that works. I would be very pleased to see all senators show respect when our colleagues are asking questions and to ensure that questions are asked in accordance with the Rules of the Senate.

Hon. Jean Lapointe: Honourable senators, on behalf of my colleagues, I would like to support the point of order raised by Senator Nolin, who is quite right. To be frank, I am disappointed by the behaviour of this senator, who has been present in this chamber for the past year or so. He is a Liberal senator, who sits rather close by, and who talks. He is always talking.

You know, the fact that he is absent today will not stop me from telling him what I think. I am sure all senators know me well enough to know that I will tell him to his face. When the Leader of the Government in the Senate is trying to answer questions and the voice of that other senator is more prominent, I find it shocking. It is also important for everyone to respect the Leader of the Opposition in the Senate, when she is speaking.

Once again, I would like to congratulate Senator Nolin on this point of order.

The Hon. the Speaker: Honourable senators, I would like to thank all senators for their input and, as Speaker, I am prepared to give my ruling on this point of order.

I agree with everything that has been said by the senators. The new position of the House of Lords of Westminster states that the Speaker has the same level of responsibility as the Lord Chancellor in the past. It was not up to the Speaker to rule; rather, it was up to the Lords.

[The Hon. the Speaker]

Things here in the Senate of Canada are not the same as in the other place. As Senator Cools very clearly indicated, it is the senators who are responsible for the running of this honourable chamber. I would therefore like to remind all senators that, as parliamentarians, they are all responsible for respecting all the rules.

As Speaker of the Senate, I try to facilitate the full participation of all senators in the debates and during question period, while respecting both ethics and collegiality. That is the tradition of our chamber, although it is very different from the other place.

[English]

ORDERS OF THE DAY

CANADA PENSION PLAN OLD AGE SECURITY ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. W. David Angus moved third reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

He said: Honourable senators, I am pleased to say a few words at third reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act. This bill proposes significant procedural modernizations and upgrades to Canada's Pension Plan and Old Age Security program. The Standing Senate Committee on Banking, Trade and Commerce met last week to study the bill and I am happy to report that the committee unanimously supported it and has reported this important piece of legislation without amendment. Indeed, honourable senators, there seems to be considerable approval for and support of Bill C-36 on both sides of this chamber as well as in the other place.

Members of the committee heard from several interesting witnesses, including the Honourable Monte Solberg, Minister of Human Resources and Social Development Canada, and Mr. Jean-Claude Ménard, Chief Actuary in the Office of the Superintendent of Financial Institutions of Canada. The committee clearly recognized that the proposed legislation will bring important improvements to the daily lives of Canadian seniors and those with long-term disabilities. The proposed administrative improvements to the Canada Pension Plan and to the Old Age Security regime result from submissions given over the past few years to the Department of Human Resources and Social Development Canada and to various federal and provincial politicians. A key intent of the bill is to resolve issues raised by seniors and by those with disabilities.

Honourable senators, seniors are a commanding force in Canada today, and their influence is far reaching. Canada's new government understands that today's seniors are healthier, wealthier and more technologically savvy than they were just 10 years ago.

They asked to be heard, and our government is listening. Through letters and formal consultations, Canadian seniors have asked for improved access to their benefits. Bill C-36 will

consequently modernize and streamline the delivery of CPP, OAS and Guaranteed Income Supplement benefits. It will allow seniors to monitor their contributions. It will enhance Canadians' access to the Canada Pension Plan Disability Benefits, and it will allow seniors to review their contributions online.

• (1520)

Honourable senators, let me quickly highlight two key improvements in Bill C-36. One of the most important changes in the bill is the provision that will enable low-income seniors to apply for their GIS benefit only once, and this will remain in effect for the rest of their lives. After an initial application, their income tax information, as provided through the Canada Revenue Agency, will determine access to GIS benefits, and the senior in question will never need to reapply for the benefit regardless of fluctuations in his or her income. Seniors have been asking for this significant improvement for over 10 years.

A second key provision of this bill will make it easier for long-term contributors to the Canada Pension Plan to qualify for the Disability Benefit. Currently, a person needs to contribute to the CPP in four of the past six years to become eligible for the disability benefit even if he or she has paid into the plan for most of his or her life. Under this amendment, people with 25 or more years of contributions would only need to contribute to the CPP in three of the past six years. If they are eligible for the benefits, they will receive them for as long as they meet the medical criteria.

Honourable senators, the Chief Actuary assured us at committee that these proposed changes are actuarially sound. They reflect the recommendations made by federal, provincial and territorial ministers of finance. They reflect the observations of the Auditor General, and they reflect the opinions and representations of many Canadian seniors and disabled people.

Honourable senators, Canada has one of the best retirement income systems in the world. Bill C-36 will make it even better. I ask all honourable senators to support this bill in order for our seniors and disabled people to benefit from its improvements as soon as possible.

On motion of Senator Cordy, debate adjourned.

FISHERIES AND OCEANS

BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Fisheries and Oceans, (budget—study of the Federal Government's New and Evolving Policy Framework for Managing Canada's Fisheries and Oceans), presented in the Senate on March 29, 2007. —(Honourable Senator Rompkey, P.C.).

Hon. Bill Rompkey: I move the motion standing in my name.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on National Security and Defence entitled, *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions — Coasts*, tabled in the Senate on March 27, 2007.—(Honourable Senator Atkins)

Hon. Norman K. Atkins: Honourable senators, if there is no one who wishes to comments on that report, I move adoption.

On motion of Senator Tkachuk, debate adjourned.

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the ninth (interim) report of the Standing Senate Committee on National Security and Defence entitled, *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions — Seaports*, tabled in the Senate on March 21, 2007.—(Honourable Senator Atkins)

Hon. Norman K. Atkins: Honourable senators, if no one wishes to speak on this report, I move adoption.

On motion of Senator Tkachuk, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—SPEAKER'S RULING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002,

Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,

2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;
5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);

10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.
—(*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, I have a ruling on the point of order that was raised with reference to this item.

On Tuesday, April 17, 2007, Senator Cools raised a point of order challenging procedural acceptability of the motion moved by Senator Fraser for Senator Grafstein to authorize the Standing Senate Committee on Human Rights to consider the resolution on combating anti-Semitism and other forms of intolerance as adopted by the fifteenth annual session of the OSCE (Organization for Security and Co-operation in Europe) Parliamentary Association. Senator Cools had four concerns with the motion, and I propose to address each of them in turn.

[*Translation*]

The first concern is that the motion asks the committee to table its report no later than March 31, 2007. Given that this date is now passed, I agree with Senator Cools that the reporting date will require an amendment.

Secondly, Senator Cools noted that the motion refers to "Parliamentary Association", but observed that it should refer to the "Parliamentary Assembly". Senator Cools is correct with respect to the nomenclature and this error should also be corrected by an amendment.

• (1530)

[*English*]

Senator Cools then turned her attention to the larger question of whether it is in order to ask a committee of the Senate to "judge a proceeding of another assembly," which, in her view, is prohibited by long-standing parliamentary practice.

The first issue to be determined, in my mind, is the nature of the OSCE Parliamentary Assembly. Honourable senators, those of you who are participants in the Canada-Europe Parliamentary Association will be familiar with this organization. The OSCE Parliamentary Assembly is, in essence, the vehicle by which parliamentarians from OSCE-member nations can convene to consider and debate issues that touch on the mandate of the OSCE intergovernmental organization. In other words, the assembly exists as a construct of its member parliaments, of which Canada is one.

In my opinion, the OSCE Parliamentary Assembly is not a body with the same standing as our Parliament or another parliament. Furthermore, in that one of the fundamental goals of the OSCE Parliamentary Assembly is to promote interparliamentary dialogue and cooperation, this type of motion seems to be in keeping with the very objectives of the organization and would not constitute any violation of its status.

[*Translation*]

In addition, the motion itself does not in any way direct the committee to take any stand whatsoever, nor does it ask the committee to in any way pass judgment on the resolution. A motion to refer the subject-matter of the resolution to the committee would be in order. It is only a very small additional step to refer the resolution itself to the committee for consideration and report. Accordingly, I do not find that the motion is acting in the manner feared by Senator Cools.

[*English*]

This leads us to the last issue raised by Senator Cools in the point of order. Senator Cools questioned the ability of the Senate to refer to its committees "proceedings of other assemblies other than from the House of Commons."

We are familiar with the privileges that apply, especially in Westminster-style parliaments, to the proceedings of their legislatures. However, as has already been established, the OSCE Parliamentary Assembly has no such standing and its proceedings are not really analogous to those of a parliament such as ours. To the contrary, the motion does not attempt to refer proceedings of another parliament but the conclusions of a body of which Canada's Parliament is a member for the consideration of one of our committees.

Furthermore, a similar motion referring a resolution from the same institution to the Standing Senate Committee on Human Rights was adopted by the Senate on February 10, 2004. Therefore, I also find that this aspect of the point of order is not sustained.

[Translation]

Having disposed of the various points raised in Senator Cools' point of order, I wish to consider the two issues raised by Senator Murray. First, he questioned the manner in which Senator Cools called the Senate's attention to her concerns. In Senator Murray's opinion, it appeared to him that Senator Cools followed a novel approach whereby she debated the merits of the motion, before signalling that she objected to its procedural acceptability. The Senator then concluded by again debating the subject of the motion.

In my reading of the *Debates*, I will accept that Senator Cools' concluding remarks may have strayed back into the merits of the motion, but I will also accept her contention that they did so in the context of her point of order. Nonetheless, Senator Murray's point is logical: any honourable senator, being of the opinion that an item on the Order Paper is not procedurally correct, should ask that the matter be resolved first, before entering into debate on the merits of the motion. I would, therefore, ask Honourable senators to bear this in mind in the future.

[English]

The second matter raised by Senator Murray was whether a committee such as the Human Rights Committee needs an order of reference in order to consider a matter as is put forward in the motion. In his comments, Senator Murray noted that only two committees are explicitly authorized to undertake work of their own volition — the Rules Committee and the Committee on Internal Economy, Budgets and Administration. Despite this limitation, Senator Murray noted that "some committees allow themselves a great deal of latitude in discussing and reporting on matters within their mandate without a specific order of reference." For the record, I should like to remind senators that the *Rules of the Senate* also authorize the Committee on Conflict of Interest for Senators to initiate work within its areas of responsibility.

The *Rules of the Senate* are clear that it is only these three committees that can initiate consideration of matters that fall within the mandate spelled out in the rules. All other committees must have their matters referred to them by the Senate.

There is no question that there is a wide range in the specificity of orders of reference given to committees. As noted by Senator Murray, some orders of reference are very broad and give committees a great deal of latitude, while others are more narrowly focused.

For example, the Foreign Affairs Committee has an order of reference authorizing it to "examine such issues as may arise from time to time relating to foreign relations generally" — a very broad order of reference. Others, such as the order of reference to the Transport and Communications Committee to examine and report on the objectives, operation and governance of the Canadian Television Fund, are more specific.

[Translation]

In his intervention, Senator Murray asked me to reflect on "the extent to which the Senate wishes to keep its standing committees on a short leash." While the Senator raises an interesting issue, it is not a matter for me, as Speaker, to decide. Rather, it is a matter only the Senate can decide when it considers proposed orders of reference.

[The Hon. the Speaker]

[English]

In conclusion, debate on the motion may continue, but amendments relating to the reporting date and the name of the OSCE Parliamentary Assembly should be moved to correct it.

THE SENATE

MOTION URGING GOVERNMENT TO TAKE LEADING ROLE IN REINVIGORATING NUCLEAR DISARMAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:

That the Senate call on the Government of Canada to take a leading role in the reinvigoration of the urgent matter of nuclear disarmament in accordance with the *Nuclear Non-Proliferation Treaty* at the Preparatory Committee Meetings scheduled to convene April 30 to May 11, 2007 in Vienna which act as a prelude to the next Treaty Review Conference in 2010; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating the dire threat to humanity posed by nuclear weapons.
—(Honourable Senator Murray, P.C.)

Hon. Lowell Murray: Honourable senators, I shall take up where I left off on April 17. I thank Senator Dallaire, whose motion provides the occasion for us to reflect on recent circumstances that have brought us closer to nuclear destruction, not farther away from it. The increased threat is graphically illustrated, as Senator Dallaire reminded us, by the famous doomsday clock, which the atomic scientists advanced from 12 minutes to nuclear midnight, where it stood a while ago, to 7 minutes, and then to 5 minutes in January of this year. The question that demands the attention of all who have political responsibility of any kind is how to turn the hands of that metaphorical clock back by changing the dangerous reality it represents.

Senator Dallaire told us that the nuclear non-proliferation regime established in 1970 is in danger. Action and inaction by signatories and non-signatories have eroded and weakened it. The review conference of 2005 failed. The next such review is scheduled for 2010. Meanwhile, the opportunity to reverse course, to restore the effectiveness and credibility of that treaty, comes next month at preparatory committee meetings in Vienna. I trust Canada will spare no effort to try to revive the process and save the treaty from a descent into irrelevance.

Senator Dallaire reminded us that, in the treaty, the issue of non-proliferation — non-nuclear countries obtaining nuclear weapons — is inextricably linked to that of nuclear disarmament, disarmament by states that presently have nuclear weapons. That element, disarmament, has waxed and waned over the years, but it seems to have achieved renewed prominence in the declaration made last January by the former United States cabinet secretaries George Shultz, Henry Kissinger and William Perry, with former senator Sam Nunn. Those U.S. statesmen

recommended a series of steps that need to be taken — “concrete stages,” they called them — to achieve the promise of the non-proliferation treaty. However, they acknowledge that none of these steps by themselves is adequate to the present danger. About 20 years ago, President Reagan and the Soviet Union’s Mr. Gorbachev had come to Reykjavik with the goal of eliminating nuclear weapons altogether. They had not succeeded; however, as the statement recalls, their vision “shocked experts in the doctrine of nuclear deterrence but galvanized the hopes of people around the world.” I believe I counted, in a three-page statement, eight times that Secretary Schultz and the others came back to this objective — “a world without nuclear weapons.”

• (1540)

I do not believe this was mere rhetoric on their part, nor does one have to read between the lines of their statement to understand why the ultimate objective of complete nuclear disarmament has now become much more immediate and pressing in their minds.

First, as they acknowledge, the fitful progress towards disarmament has left non-nuclear weapon states “increasingly sceptical” of the sincerity of the nuclear powers. I would add that it has probably made some of those non-nuclear states less hesitant to try to achieve their own strategic goals by going nuclear.

Second, when they refer to the Cold War deterrent strategy, they doubt whether the old Soviet-American “mutually assured destruction” factor can be replicated with an increasing number of potential nuclear enemies around the world without, as they say, “dramatically increasing the risk that nuclear weapons will be used.”

Third, they point out those new nuclear states “do not have the benefits of years of step-by-step safeguards put into effect during the Cold War to prevent nuclear accidents, misjudgments or unauthorized launches.” These former officials would know more than most of us about the false warnings and the dangerous incidents that, as Senator Dallaire said, have brought us so close to nuclear holocaust when the standoff essentially involved only two nations.

Fourth, non-state terrorist groups that might acquire nuclear weaponry “are conceptually outside the bounds of a deterrent strategy.”

The conclusion is that the various intermediate stages along the road, while necessary, are inadequate. We must be focused on the purpose and the objective — elimination of nuclear weapons.

It should also be clear to all of us that just as the danger is no longer primarily that of nuclear war between two superpowers, the remedy will not be found only in superpower negotiations. The leadership of the United States is, of course, vital. The leadership by example, and not just by resolution, of the five permanent members of the United Nations Security Council, all of whom are nuclear weapon states, will be indispensable. However, as even the former U.S. officials recognize, it will take a worldwide consensus to achieve our objective. This is where Canada comes in. There is an opportunity and a

responsibility for Canada to take the lead in rescuing a process that is now bogged down.

As honourable senators know, we were the first nuclear-capable state to decide not to develop our nuclear weapons capacity, and we were the first to divest ourselves of the nuclear weapons we had acquired from the U.S. Meanwhile, in the late 1950s and early 1960s, the late Honourable Howard Green placed arms control and disarmament at the centre of Canadian policy for the first time.

Mr. Green is properly remembered for his political leadership on the issue. Less conspicuous in the public media, now as then, was the research capacity and the technical expertise quickly assembled in our foreign service and defence establishment, initially under General E.L.M. Burns as Disarmament Advisor to the Canadian Government. These experts provided the technical and institutional support and much intellectual energy, not just for their own minister and government, but also for the multilateral negotiations at the official and political levels where the other countries acknowledged and often deferred to their leadership.

The process that is limping into Vienna at the end of this month needs a real injection of both political and intellectual energy if it is to survive. I believe Canada is well placed to take the lead and not just because of our reputation. Surely, we could assemble the expertise needed in the present circumstances — some of it is probably to be found within the government now — and provide real value-added at the technical and official levels in the multilateral negotiations that must take place.

The essential element, of course, is political leadership, and here the timing is almost perfect for the present government. They have refurbished Canada’s relationship with the United States; they are modernizing and rebuilding our Armed Forces. All that is to their credit. At some considerable political risk to themselves and at deadly risk to our serving soldiers, they have committed Canada to the NATO mission in Afghanistan. This is a government that can credibly take the lead in a renewed and concerted international effort to reduce reliance on nuclear weapons and eliminate them as a threat altogether. I suspect that much of the world community going into Vienna is waiting for someone to take the lead, and that Canada will not lack for allies, great and small, if our government stepped forward.

Nor will they lack support in Parliament and in the country. Both Houses of Parliament are represented in the Canadian chapter of the International Parliamentary Network for Nuclear Disarmament, which I commend to honourable senators as a very good forum for discussion and which I found to be also an excellent source of timely information on these issues.

[Translation]

I am convinced that a new government initiative to resuscitate the international nuclear disarmament process would be very welcomed in Canada.

Canadians know that the threat of nuclear destruction has increased in recent years, as nuclear technology has become more accessible throughout the world, nuclear ambition more prevalent among nations and security systems more diffused and therefore less effective.

Statesmen and experts who are concerned about the current danger contend that nothing less than a world-wide consensus will be required to overcome that threat. It is unthinkable that, in 2007, the international community could fail as it did at the 2005 conference. The multilateral negotiations that will lead to the 2010 conference are critical. The process is in need — and very urgently so — of a new momentum. Under these circumstances, where will the required leadership come from, if not from Canada?

Canada has proven itself time and again as a NATO member and a NORAD partner. The current government — and this is to its credit — is renewing and strengthening Canada's commitment under these alliances. Disarmament is just as important to Canadians, and the international situation provides a major opportunity to our country. While there is no consensus at the international negotiating table, such a consensus is very present among Canadians. It is up to the government to take the necessary initiative.

The Hon. the Speaker pro tempore: Would Senator Murray entertain a question?

Senator Murray: Of course.

Hon. Roméo Antonius Dallaire: I would like to thank the senator for this very eloquent and well documented speech. As Senator Murray said, Canada is a country that has disposed of its nuclear weapons. However, as a NATO member, we have maintained the ability to deliver these systems through the use of aircraft, missiles, artillery, this even during the seventies. So, when it comes to nuclear weapons, the issue is one of ethics, and perhaps even of a two-prong policy.

• (1550)

[English]

Instead of modernizing the nuclear arms fleets, if we start to eliminate them, the need for a missile defence system would go by the wayside; there would be no nuclear weapons or nuclear delivery systems.

Recently, our NATO ally, the U.K., signed a deal to spend \$40 billion over the next 20-odd years to upgrade its nuclear submarine capability and upgrade its Trident nuclear submarine capability.

Do you think that they know something that we do not if they feel that in this post-Cold War era they must do this upgrade? I could understand doing that type of upgrade for the circumpolar Arctic North; it might make sense for us to have nuclear powered submarines to travel under the ice. To upgrade nuclear delivery submarines to the new generation seems illogical. Are we going down the wrong road or are they smoking something we do not know about?

The Hon. the Speaker pro tempore: Honourable Senator Murray, before you answer the question, you will have to ask for more time.

Is it agreed, honourable senators?

[Senator Murray]

Hon. David Tkachuk (Acting Deputy Leader of the Government): Five minutes.

The Hon. the Speaker pro tempore: You have five minutes, Senator Murray.

Senator Murray: Honourable senators, the last thing I would want to do is to be unkind to the British, but I am aware of the intentions announced by their government on this matter.

To put it mildly, there is an inconsistency — and not only an inconsistency but a contradiction — between the commitment of most NATO members to the objective of nuclear disarmament, on the one hand, and their inclusion of nuclear capacity as part of their strategy, on the other.

I do not understand why the British are doing what they are doing. If I were really being unkind, I would say that it is something in the nature of a status symbol that they are seeking.

On motion of Senator Tardif, debate adjourned.

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate to questions concerning post-secondary education in Canada.
—(Honourable Senator Calbeck)

Hon. Catherine S. Calbeck: Honourable senators, I rise today to speak on the inquiry of Senator Tardif regarding the state of post-secondary education in Canada.

First, I want to thank the honourable senator for initiating this inquiry on a subject that is also of great importance to me. I want to thank Senators Trenholme Counsell, Segal, Losier-Cool and Moore, who have spoken on this inquiry. Today, I would like to further that debate and discuss the issue of broadening access to post-secondary education.

Senator Tardif reminded us that we must aim higher than our current post-secondary attainment of 44 per cent if we are to compete on the global stage with countries such as the United States, India and China. Today, we are told that 73 per cent of new jobs in our knowledge-based economy will require post-secondary education. That means that three out of four new jobs will require post-secondary education. With Canada's post-secondary attainment rate for young Canadians aged 25-34 at only 53 per cent, that means that we have a gap of 20 per cent between our current post-secondary attainment rate in that age group and the post-secondary attainment rate.

If that is not enough, certainly other numbers should alarm us. Canada's population will shift in the next decade. By 2026, there will be 300,000 fewer young adults, which means that unless we increase participation substantially, the hallways of our colleges and universities will echo for lack of students and we will have gaps in our labour market. There will not be enough graduates to fill the high-skilled jobs created by the knowledge economy or left

vacant by retiring baby boomers. Remember, honourable senators, within 20 years it is expected that retirees will outnumber new workers four to three.

According to the Canadian Millennium Scholarship Foundation, 30 per cent of 18-20 year olds in 2001 were enrolled in or had completed university; 35 per cent were in college. That leaves 35 per cent of young Canadians on the outside looking in. We know who some of these young Canadians are— some are Canada's Aboriginal people. Fifty-eight per cent of our Aboriginal youth living on reserve do not even finish high school. Some are youth from low-income families. Less than one-half of students from families whose income is below \$25,000 participate in post-secondary education.

In Canada today, most students or potential students are from middle- and high-income families. Post-secondary participation for children with higher annual family incomes — that is, over \$50,000 — range from 63 per cent to 77 per cent. More than 80 per cent of children whose parents attended university will attend university themselves. They are students who come from families where going to college or university is a family tradition; where going to college or university is the last step before adulthood. Children growing up in these families do not hear the words, "if you go to university." They hear, "when you go to university."

Canada's challenge is to increase the number of young Canadians who hear these words. To do that, we need to make some changes. We have to make post-secondary education attractive for more than just middle- or high-income Canadians. We have to increase participation by Aboriginal people, youth from low-income families, people whose families have no history of higher education, and youth from rural Canada.

We have to show young Canadians that post-secondary education is an option. We have to elevate their educational ambitions. We need to make higher education a tradition for more families and a possibility for all families. As Senator Trenholme Counsell stated, we must do more to create an environment where each young Canadian can contribute to the very best of his or her potential.

How do we do this? The most obviously first step is to make post-secondary education more affordable.

Unfortunately, this is not what is happening today. In 2006-07, the average tuition and fees for an undergraduate university student is \$4,347. Compare this amount to 1990-91 when it was \$1,464. This amount of \$4,347 does not include many other costs associated with post-secondary education. Students have to live. They have to eat. They have to buy books. These costs are not trivial and they must be taken into account.

The average student debt today is more than \$22,000. According to Statistics Canada, even while taking inflation into account, bachelor degree graduates from the class of 2000 owed on average 76 per cent more than graduates from 1990. Student debt is certainly continuing to increase.

Let us be clear. The federal government is certainly doing a lot. In 2004-05 the federal government spent more than \$12 billion on post-secondary education and training, which was an increase of

60 per cent from 1997-98. The federal government has also introduced tax measures to help, or encourage post-secondary education.

• (1600)

The Department of Finance projected that the use of these types of education tax measures in 2005 would total more than \$1.5 billion, which was up 92 per cent from 1998. We are making investments, and these are essential, but they are not enough. While it is true that post-secondary education is the responsibility of the provinces, all Canadians benefit from an educated and competitive workforce. Even if the specific action is provincial in jurisdiction, the vision should be pan-Canadian.

Following World War II, the Veterans Rehabilitation Act served as a national approach to meet the educational needs of returning veterans. We provided support to students to cover tuition and living expenses. They received support, as long as they made satisfactory progress, and graduated with an education or trade and virtually no debt.

The post-war years were years of great prosperity in Canada. We had a large workforce that made Canada a world leader. This example clearly illustrates the national benefits of investment in post-secondary education.

I am not advocating free tuition, but I do think we need to provide more assistance based on need and ability. I believe we can increase accessibility by keeping things simple and streamlining options and information so that potential students feel confident they will get the support they need.

Our goal must be to ensure that the ability to learn, and not the ability to pay, is a deciding factor for post-secondary education.

In his remarks, Senator Segal spoke about income contingent repayment, which is a recommendation from the Royal Commission in Ontario. This plan would enable youth to take courses without paying tuition prior to enrolment. Repayment would begin after university through the income tax system, based on the ability to pay. I realize there are many pros and cons to this approach, but certainly it is an idea worth exploring.

Investments in education are blue chip investments. Governments get a good return on their education dollars. University graduates who work full time typically earn \$1 million more over the course of their careers than people with a high school education. College graduates take home \$3.7 billion more every year than they would if they stopped after high school.

Indeed, because of this, post-secondary graduates contribute much to this country's tax base, which funds our social and other government programs. People with post-secondary education have a better quality of life, are healthier and are employed in higher paying, more fulfilling jobs.

It is clear that higher education pays off for graduates and everyone else. Canadians who attended college save us an estimated \$343.7 million per year in social services they do not need to use.

While working to make post-secondary education less expensive, we also need to change the culture we have created around post-secondary education. We still tend to equate

post-secondary education with going to university, and university is something for the middle or high income groups, although this thinking has begun to shift in recent years.

In today's job market, post-secondary education has clearly become essential. It should also be noted that when our economy demands that three out of four workers need a post-secondary education, we are not just talking about universities, we are talking about colleges. I think colleges have a greater role to play in providing a practical education, post-secondary options that are not entirely academic.

Colleges are especially important in light of the fact that over the next 20 years, skilled tradespeople will be desperately needed. These post-secondary institutions will certainly have an important role to play as we move towards making post-secondary education more inclusive.

Senator Losier-Cool has already spoken about the success of New Brunswick community colleges, about which I agree completely, because I had the privilege of teaching business administration in the community college of Saint John in the 1960s.

Speaking of success, I want to mention the many achievements of post-secondary institutions in my home province of Prince Edward Island. Holland College is making a tremendous contribution to the province's economy by producing highly skilled workers and tradespeople whom we need now and in the future.

The University of Prince Edward Island is also expanding, making great strides to recruit more faculty members, improve campus facilities and create more research opportunities. UPEI has achieved the number five spot in *Maclean's* undergraduate university rankings last November, making great progress up the ladder since being ranked eighteenth in 2000.

I want to point out that not only are UPEI and Holland College achieving success individually, but they also collaborate in programs, such as its new Bachelor of Education Degree in Human Resource Development, which prepares students to teach in the field of adult education.

I believe that colleges and universities need to collaborate more. Credits earned at college can be applied to university. This initiative is one way to decrease the cost and the risk of failure for students who are forging a new tradition for themselves and for their families.

We also need to look at distance education options so we can take advantage of our computer age and use information technology as an educational tool. This could particularly benefit young people in rural areas.

Senator Tardif has proposed that the Senate establish a subcommittee to explore some of these issues of post-secondary education in greater depth. I support her initiative, as I feel that our post-secondary education system is critical to the future success of Canada. I urge all honourable senators to do the same for the sake of post-secondary education and Canada's future.

On motion of Senator Hubley, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO STUDY PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the Committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable; and".—(*Honourable Senator Day*)

Hon. Joseph A. Day: Honourable senators, this item is showing the fourteenth day on the Order Paper, and it will drop off after the fifteenth day. It is a motion that I would like to speak on, and I would also like to consider the amendment that has been proposed by Senator Comeau and the impact of that on the basic motion.

Unfortunately, honourable senators, I am not prepared to proceed today and I will be away on Senate business tomorrow. Therefore, I respectfully request the adjournment of this matter in my name for the remainder of my time.

Hon. Senators: Agreed.

On motion of Senator Day, debate adjourned.

• (1610)

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE
BETWEEN PEOPLE'S REPUBLIC OF CHINA
AND THE DALAI LAMA—SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, the item under "Motions" of Senator Di Nino, that we have gone by, is standing in the name of the Speaker and I am prepared to rule on that item now.

On Tuesday, March 27, 2007, while the Speaker *pro tempore* was in the chair, the order was called for resuming debate on the motion urging the Government of the People's Republic of China and the Dalai Lama to enter into dialogue about the future of Tibet. Senator Cools then rose on a point of order about the form or acceptability of the motion. She emphasized that she was not speaking to the motion itself. She suggested that the motion was improper because "the Senate cannot directly communicate with or address a foreign sovereign." Communications with a foreign government, she suggested, should be from the Canadian Government and not from the Senate.

Senator Cools quoted approvingly a motion adopted by the House of Commons on February 15, 2007, suggesting that it offered a more appropriate model to follow. That motion stated that the Government of Canada should, in the opinion of the Commons, urge the Government of China and the representatives of the Tibetan Government in exile to continue dialogue. Senator Cools suggested that a motion of this type is in keeping with the "lawful and appropriate mode of proceeding," since it does not speak directly to the Government of China, but rather asks that the Government of Canada speak to it.

In making her case, Senator Cools made reference to *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*. To quote the most recent version, the 23rd edition, at pages 712 and 713:

Addresses have comprised every matter of foreign or domestic policy; the administration of justice; the expression of congratulation or condolence . . . ; and, in short, representations upon all points connected with the government and welfare of the country; but they ought not to be represented to any bill in either House of Parliament.

This indicates that, in the United Kingdom, addresses have been used to communicate formally with the Crown.

[*Translation*]

Upon close reading, however, it will be noted that the citation does not clearly state that an Address is the only parliamentary vehicle whereby a House can make known its views on one of these classes of topics. The quote makes clear that they are a legitimate tool, but does not make it clear that Addresses are the only option available.

[*English*]

Motions of this type are not frequent in the Canadian Parliament, but a few can be found. On September 20, 1983, the Senate passed a motion demanding that the Soviet government provide a full explanation of the unwarranted August 31, 1983 attack on a Korean Airlines passenger flight and cooperate with the investigation into the matter. In this case, the motion called upon the Speaker to convey the resolution to Presidium of the Supreme Soviet. There had been leave to put the motion, since no notice had been given.

Similar motions have also been adopted occasionally in the House of Commons. Instances occurred on September 30, 1998; December 10, 1998; October 10, 2002; and October 1, 2003. These motions were adopted after unanimous consent and with one exception without debate.

[*Translation*]

In the United Kingdom House of Commons, motions urging action by foreign governments frequently appear on the *Notice Paper* as Early Day Motions, for which no day has been fixed. These motions are tabled by backbenchers to draw attention to some matter of concern, typically without any expectation of debate, although it does appear that they are subject to review to ensure their acceptability. As noted at page 390 of *Erskine May*, "[a] notice which is wholly out of order may be withheld from publication on the Notice Paper."

[*English*]

Turning to the specific motion in question, no direct consequences seem to flow from it. It only provides an expression of the Senate's view. The motion does not require that its content be communicated to anyone and it does not require action or follow-up. As senators know, there is a general preference in the Senate to allow debate on a motion or an inquiry unless it is clearly out of order. Both Canadian and U.K. practice suggest that there is sufficient flexibility to allow for motions of the kind proposed by Senator Di Nino. Of course, a motion framed in the way Senator Cools suggested would also be in order, and would avoid the concerns she raised.

In conclusion, the motion of Senator Di Nino is in order and debate on it may continue.

Hon. Consiglio Di Nino: Honourable senators, first, I would like to thank Your Honour for your ruling and for reminding all of us that the motion intends to add some moral or symbolic support to finding a resolution to a long-standing injustice. The motion is

meant to be neutral, non-confrontational and helpful to the process. However, in the spirit of cooperation and respect for our colleagues —

The Hon. the Speaker: Honourable senators, that comment might be best presented tomorrow, when we get to that item on the Orders of the Day.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Di Nino: Thank you, Your Honour, we will do it tomorrow.

The Senate adjourned until Wednesday, April 25, 2007, at 1:30 p.m.

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VOLUME 143

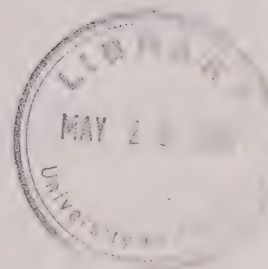
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NUMBER 89

OFFICIAL REPORT
(HANSARD)

Wednesday, April 25, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, April 25, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE JACK WIEBE

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10), the Leader of the Opposition has requested that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Jack Wiebe, who died on April 16, 2007.

[English]

Hon. Marilyn Trenholme Counsell: Honourable senators, it is with sadness for the family and friends of the Honourable Jack Wiebe that I offer these words. I know that I speak for colleagues in the Senate when I say that many of us would have wished to be at his state funeral yesterday in Swift Current, Saskatchewan. I know, also, that during these days our thoughts and prayers have been with his beloved wife, Ann, and their children.

When I met Their Honours in 1997, they wanted to be called Jack and Ann, and that defined their relationship with others, wherever their journey together took them, throughout the 46 years of their wonderful marriage.

During our meetings together as vice-regal representatives, the Honourable Jack Wiebe saw things clearly, responsibly and simply. No pomp, no pretension, only principle.

His honesty, his caring and his smile won him a multitude of friends from all walks of life and in countless places. Premier Lorne Calvert said this following his death: "Jack Wiebe's trademark was his great affection for people There was something about Jack Wiebe's roots in that prairie soil of Herbert and that country that just never left him"

• (1335)

In the Senate of Canada, this son of the country, this Prairie farmer, this representative of the people in the Saskatchewan legislature, this Lieutenant-Governor, this senator brought enormous cumulative experience, sound judgment, common sense and dedication to our chamber.

At the time of his retirement, in her tribute to such a fine human being, Senator Carstairs told a story, "The only time Jack ever said no to the leadership of the Senate was when he refused to cancel a trip to Disneyland with his grandchildren." At this sad time, I am sure that they remember those precious days.

Perhaps the most moving — and the most significant — Senate tribute came from Senator Oliver:

He had that partisan streak . . . but on the other side . . . he was our own philosopher-king

Jack was instrumental in helping our committee produce a landmark report on climate change

In a private note . . . to me, . . . he indicated that he was leaving His last handwritten sentence . . . reads as follows: "It will now be up to you to ask the tough questions."

Senator Oliver concluded that, "Jack will certainly be missed"

My fellow senators, the life of Jack Wiebe offered us friendship, inspiration and at the last, a challenge. We must ask the tough questions humbly and with integrity.

We must not rest until our final hour, and at that moment perhaps, we will know as Jack Wiebe did that life has not been in vain. We remember him with respect, with gratitude and with affection. We ask God to be with Ann and their family.

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I met Jack in a by-election in 1977. It was so long ago. He was a member of the Davie Steuart Liberals and we were starting to build the Conservative Party of Saskatchewan.

It was one of the hardest fought by-elections in which I have ever been involved. Our job was to place second, which we did. The NDP won that seat, but Jack was there all the time fighting for the Liberal Party.

He died a week ago after a battle with cancer. When news of his death spread, tributes poured in from around the country. He was well known, well respected and, more importantly, he was well liked. It was difficult not to like him.

One of those tributes captured his essential character. It noted that he was just as comfortable meeting with the Queen as he was meeting with his fellow hog farmers. He had the opportunity to do both during his 30 years as a hog farmer and the six years he spent as Lieutenant-Governor of Saskatchewan. He was appointed to that position in 1994, the first farmer named to the post in nearly 50 years.

No matter how high he climbed, Jack never forgot where he was from — a son of the prairie from a small town called Herbert. That town was in his blood and so was politics.

Jack's great-grandfather emigrated from Russia to Kansas and his son, John Wiebe, moved from there to Herbert. In a way, the family never left; or when they did, they never failed to return.

Then there was politics. Jack's grandfather was the first mayor of Herbert when the town was formed in 1912. Jack's father, whose first name was Herbert, also served as mayor of Herbert from 1928 to 1954 — so long that some people thought the town was named after him. More likely, he was named after the town.

Jack followed in the footsteps of his forbearers. He was first elected as a Saskatchewan MLA in 1971 and re-elected in 1975. After serving as Lieutenant-Governor, he was appointed to the Senate of Canada in 2000, an appointment from which he retired in 2004.

He brought to this chamber a certain dignity and man-of-the-soil humbleness. He left the Senate far too soon, as he did this earth. In fact, that puts me in mind of something he once wrote when he was Lieutenant-Governor:

Another year has passed; it seems at even greater speed than previous years. It has been written: you'll find as you grow older that you weren't born such a very great while ago after all. Time shortens up.

God bless you, Jack.

• (1340)

Hon. Jane Cordy: Honourable senators, I also wish to pay tribute today to the Honourable Jack Wiebe. Jack was appointed to the Senate shortly before I was, in the spring of 2000. I had the pleasure of serving with him on the Standing Senate Committee on National Security and Defence. Anyone who has served on that committee knows that the members see a lot of each other and get to know one another very well.

Jack was a fine gentleman. One did not have to be speaking with him for very long to find out that he was from Saskatchewan. He loved his home province and he took great pleasure in telling others about where he lived. Jack was an honorary colonel in the military. While he had great respect for all who served and have served in our Canadian military, he had a particular admiration for our reservists. His fellow committee members knew that they did not have to ask questions in this area — because this was Jack's area of expertise. He was such an advocate for reservists and a promoter of the fine work they do in serving Canada.

It was a pleasure working with Jack in the Senate. My thoughts are with his wife, Ann, and his family.

MR. BERT BROWN

APPOINTMENT TO SENATE

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I rise to commend the Prime Minister on announcing his intention to appoint Bert Brown to the Senate. In doing so, Prime Minister Harper is acknowledging Mr. Brown's years of work for the cause of reforming this chamber. When he made his announcement, the Prime Minister stated:

No Canadian has done as much to advance the cause of Senate reform as Bert Brown. He has been a tireless advocate for democratization of the Upper House for over two decades. He ran in three Alberta Senate elections and he

is the only Canadian to be elected twice as a Senator-in-waiting. In short, he is a perfect role model for elected Senators.

Not so commendable, honourable senators, was Liberal Leader Stéphane Dion's attempt to criticize Mr. Brown by stating that the Prime Minister is not appointing "the best person" for the job. Mr. Dion also said that the appointment of Mr. Brown is not in the interest of Alberta — never mind that Alberta followed the best of democratic traditions in selecting Mr. Brown and that a majority of Albertans voted for him. According to Mr. Dion, they got it wrong. I am sure that not one Albertan or other Canadian would agree that the Prime Minister should override the democratic process that took place in Alberta and defer to Mr. Dion when it comes to deciding what is in Alberta's best interests — not one, with the obvious exception of perhaps some in this house.

Honourable senators, the current Liberal leader's remarks are highly unfortunate. They display a lack of understanding about the history of Senate reform issues and its resonance not only in the province of Alberta but in other provinces as well.

Bert Brown will be a tremendous addition to this chamber and I know that all honourable senators will welcome him.

TRANSPORT

CRUISE SHIPS— DUMPING OF SEWAGE IN COASTAL WATERS

Hon. Pat Carney: Honourable senators, coastal Canadians in British Columbia have raised concerns about the dumping of sewage by cruise ships in their waters, turning coastal waters into cruise-industry toilet bowls. The April 19, 2007, issue of *The Georgia Straight*, a local British Columbia publication, featured an article by Andrew Macleod entitled "Cruise on down to our dumping ground." The report describes how cruise ships dump tonnes of sewage in Canadian coastal waters with impunity. Checking out the story, because it seemed to be bizarre, I found that, incredibly, Canada has no legal recourse to prevent cruise ships from dumping sewage other than to defer to Transport Canada's voluntary guidelines. Developed in 2003 by Transport Canada in conjunction with Environment Canada, the Pollution Prevention Guidelines for the Operation of Cruise Ships under Canadian Jurisdiction set out the current regulatory requirements as well as the practices that cruise ships have voluntarily agreed to follow. However, because they are voluntary, there are no enforcement mechanisms or legal sanctions for breach of the regulations and practices. For example, a ship owned by Celebrity Cruises Incorporated was fined \$100,000 in Washington State for spewing sewage into Juan de Fuca Strait, which borders my home on Saturna Island, but to Canada, CCI paid nothing, despite admitting that it fouled Canadian waters three times.

• (1345)

Coastal communities welcome the cruise ship industry, but they are also justifiably concerned about the pollution left behind by the ships. Vancouver Port Authority estimates that the cruise sector generates more than 13,000 jobs annually and that each ship brings \$2 million to the region every time it ties up at the dock.

The problem is that the 33 Vancouver-based cruise ships that will churn through B.C. about 300 times this summer will carry nearly 1 million passengers, each of whom produce 3.5 kilograms of garbage per day, not including liquid waste. Many of these ships carry more than 2,000 people, making them the equivalent of floating cities, with all the consumer needs and wastes you would expect from a luxury resort of that size. Much of the ships' time will be spent in the confined waters of Hecate Strait, the Inside Passage and between Vancouver Island and the mainland, where the whale population is already vulnerable.

Although a number of pollution regulations have been made under the authority of the Canada Shipping Act, currently none of them apply to the discharge of sewage by ships. Transport Canada published proposed regulations in the *Canada Gazette* Part I on June 17, 2006 that would consolidate the various existing regulations regarding ship-source pollution and include many new provisions not contained in existing regulations, including provisions to prohibit or control sewage discharges from all vessels, including cruise ships. Transport Canada officials state that these regulations have not yet been finalized or put into effect.

I hope that honourable senators will agree with me that the government should act as soon as possible to enforce these new regulations and to put them into effect so that those who live in coastal communities can be assured that their waters will not be one giant septic tank.

AFRICA MALARIA DAY

Hon. Rod A. A. Zimmer: Honourable senators, for most Canadians, the word "net" conjures up positive images, thanks to the protective connotation of terms such as "social safety net" and, at this time of season, with the Stanley Cup playoffs, "hockey nets." In many African countries, nets provide for needs on a more fundamental level, by preventing the spread of malaria.

Malaria is caused by a parasite that is transmitted by mosquitoes. It is endemic in most of sub-Saharan Africa and in parts of North Africa, and its toll on human life is grim. It claims more than 1.3 million lives a year, and in Africa it is the largest single cause of death of children under five years of age. Pregnant women are also particularly vulnerable as malaria infection increases the risk of maternal and neonatal death, miscarriage and stillbirth.

Honourable senators, there is hope for curbing the transmission of this dreadful disease. Insecticide-treated bed nets provide a physical barrier at night when mosquitoes are most likely to deliver their devastating bites. Bed nets have been shown to reduce malaria transmission by up to 50 per cent, and at a cost of only \$10, one net can protect a child for up to five years. Since several children and adults may use one net, it can protect several lives.

Spread the Net is a campaign whose objective is to raise enough funds to purchase 500,000 bed nets. Its co-founders, the Honourable Belinda Stronach, Rick Mercer and Nigel Fisher of UNICEF Canada, recently announced that Liberia will receive 33,000 nets. On a recent visit to Ottawa, Liberian President Ellen Johnson-Sirleaf expressed her great appreciation for the donation, which will surely help save the lives of many children in her country.

Honourable senators, today is Africa Malaria Day. Please join me in recognizing the ongoing effort of projects such as Spread the Net and in celebrating the young lives that will be spared the ravages of malaria.

GOVERNOR GENERAL

RECENT COMMENTS IN THE MEDIA

Hon. Jim Munson: Honourable senators, I rise today to address some of the negative commentary in *The Globe and Mail* toward the Right Honourable Michaëlle Jean. As honourable senators have no doubt heard, Ms. Jean has decided to lighten her schedule in order to get some well-deserved rest. This announcement has seemingly given some of my former colleagues in the press an opportunity to denigrate any and all work she has done in her vice-regal position.

I understand the media's role is to shine a light in the darkest corners of our society, but in this situation I believe that the commentary is completely off base. We were all here when Ms. Jean was sworn in to her vice-regal duties. Her charismatic personality actually livened up this wonderful place. Her inspirational story continues to inspire generations of new Canadians.

In her role as Commander-in-Chief of the Canadian Forces, she has been welcomed with open arms by our men and women serving overseas, especially those serving in Afghanistan.

• (1350)

She gave them hope and a sense of purpose. She visited Africa and showed the developing world a side of Canada that sadly is not seen as often as one would like these days, one of compassion. Her caring face says to the world's poorest, "I understand what you have been experiencing, but you must see that there is hope, that there is a way out of poverty's crushing grip."

Honourable senators, it is interesting that upon returning to Haiti, her place of birth, she was welcomed as a national hero. That does not happen very often in this country. Michaëlle Jean is a national treasure, one that should be celebrated as the face of a new Canada and should not be denigrated.

ROUTINE PROCEEDINGS

STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

FINAL REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table the tenth report of the Standing Senate Committee on Human Rights, which deals with the rights of children, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FIRST NATIONS LAND MANAGEMENT ACT

BILL TO AMEND—FIRST READING

Hon. David Tkachuk presented Bill S-6, an act to amend the First Nations Land Management Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

POLITICAL COMMITTEE MEETING— FEBRUARY 28-MARCH 3, 2007—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Branch of the Assemblée parlementaire de la Francophonie respecting its participation in the meeting of the Political Committee of the AFP, held in Pré-Saint-Didier, Valle d'Aosta, Italy, from February 28 to March 3, 2007.

[English]

QUESTION PERIOD

FINANCE

LOSS OF JOBS TO FOREIGN COUNTRIES AND RESTRICTIONS ON FOREIGN INVESTMENT— GOVERNMENT POLICY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators know that Canada's economy will evolve in the global village. Over the past years, several manufacturing jobs have been transferred to other countries, China and India, as an example, among others.

• (1355)

In the meantime, the government is proceeding with the closure of 23 consulates that are helping Canadians do business abroad. The same government has introduced a new regime for income trusts, resulting in a loss of jobs to those who normally work at head offices, because many companies are being transferred to other countries.

In the interim, Canadian companies such as Alcan, Bombardier, Québecor and many others have seen interest deductibility being questioned and changed, or in the process of being changed, not knowing exactly where we are with this.

Mr. Thomas d'Aquino, Chief Executive and President of the Canadian Council of Chief Executives, said recently that changes announced in the budget "may seriously undermine the competitiveness of Canada's homegrown champions . . ." As we know, Bombardier and Alcan have Canadian shareholders and Canadian professionals working for them, and their research is also completed in Canada.

My question to the Leader of the Government in the Senate is the following: With respect to the policy of transferring jobs to other countries and preventing companies from investing abroad under the same conditions, when will this government address the whole economic situation and change its policy?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

According to Canada's employment numbers, it is clear that, at the present time, we are not experiencing a job loss situation. As a matter of fact, there is a severe labour shortage in certain sectors of the economy.

As I have said in this place before, and as the Minister of Finance has said, our tax fairness plan will restore balance and fairness to the federal tax system by creating a level playing field between income trusts and corporations. In the same way as do corporations, the market can now evaluate trust businesses on their own economic merits, rather than on a tax-advantage basis.

In response to the honourable senator's specific question and in view of the comments she has raised regarding Thomas d'Aquino, officials in the Department of Finance are discussing the details of these proposed changes, including transition issues, with industry representatives as they develop the legislation.

Senator Hervieux-Payette: There may be labour shortages in some parts of the country, but I can tell the government leader that in many parts of my province of Quebec, as well as in other places in Canada, we are not gaining jobs but losing them.

In the meantime, a Quebec-based company, Bell Canada, seems to be on the block for privatization and as such will be bringing in foreign investors who will sell the best parts of the company and deprive Canada of a true blue chip institution.

What will this government do to prevent this indirect takeover by foreign investors and make sure this company, which is in fact a landmark of Canada, remains in Canadian hands?

Senator LeBreton: I thank the honourable senator for her question. I am sure Senator Hervieux-Payette understands and appreciates that it would be highly inappropriate for me or for anyone else in the government to comment about an activity in the marketplace today. I shall simply undertake to make the honourable senator's views, as she has expressed them, known to my colleagues.

Senator Hervieux-Payette: I am seeking to ensure that the policy of this government is followed. First, consultation should occur before decisions are made. Second, all policies should keep good jobs in Canada and provide us with the possibility of having a say in future policies.

Senator LeBreton: The Minister of Finance, the Minister of Industry and other ministers, have engaged in much consultation with industry and business. As the honourable senator would understand, having been a member of cabinet herself, decisions such as this are, one would hope, made after consultation. That is what happened in this case.

• (1400)

REVIEW OF COST OF FOREIGN ACQUISITIONS

Hon. Jeremiah S. Grafstein: Honourable senators, this will not be a new topic to the Leader of the Government and the opposition because I raised the issue, as my leader did today, on March 21, immediately after the budget was introduced on March 19. This is a narrow question that is difficult and damaging to the Canadian business sector; the deductibility of interest. I will not belabour the point; it has been well argued and understood by the Leader of the Government in the Senate.

In the press today I noticed that again the minister indicated that he is reviewing the subject, as the Leader of the Government has said. He indicated that he should be finished within two weeks and legislation should be ready by May. Later on we also have the views of an outstanding former adviser to the Department of Finance, who is very well-known to a number of committees of this place; Mr. Farber. Mr. Farber is now in private practice, and he said he urged the government to defer the matter until it can be studied by a new panel being set up to review international tax law.

I am delighted to hear that Mr. Flaherty is changing his mind about the budget; all to the good. However, the uncertainty persists, and that puts Canadian companies in the global marketplace at a distinct competitive disadvantage to their American and European competitors. I urge the government to stop immediately, return to the initial policy, which is to allow deductibility right away, and then continue the government's review to determine if this is the most appropriate policy in the circumstances.

We have had this circumstance before. Previous ministers of finance — certainly Mr. Chrétien, most certainly Mr. Martin — made extensive consultations before they made a major shift in tax policy. In this instance there was not that consultation; it was contrary to any consultation.

Now we have a budget, we have made a mistake, and I would hope the minister would move to stop it so that Canadian companies are not at a competitive disadvantage. That is the way we lose jobs, reputation, credibility and sacred trust.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, since taking office we have improved the competitiveness of the tax system. For example, we have lowered corporate tax rates and eliminated the corporate capital tax. This proposed restriction on interest deductibility will help protect the Canadian tax base and will address issues raised on many occasions in the past by the Auditor General.

The honourable senator has a wonderful way of trying to put words in people's mouths. In answer to Senator Hervieux-Payette, I said officials are discussing the details of this proposed change with industry representatives as they develop the legislation, including the transition issues.

Senator Grafstein: The minister has said he will have legislation available by May; that is a few days away. Will the Leader of the Government undertake that the legislation will be tabled in Parliament on May 1, or immediately thereafter, in order to clear up the uncertainty?

Senator LeBreton: I will not comment on the timetable of the Minister of Finance, but I will undertake to raise with him the concerns of Senator Grafstein.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT— PROCLAMATION OF REMAINING SECTIONS

Hon. Lorna Milne: Honourable senators, it has been 135 days since Bill C-2, the so-called Accountability Act received Royal Assent. However, like a lot of activity concerning this government, it is a lot more sizzle than steak.

Since December 12 a few portions of this act have been proclaimed, but large tracts of this vast and disorganized piece of legislation have yet to come into force. Of the parts that are in force many of the structures surrounding the new positions created by Bill C-2 have not been put into place. When will this government stop claiming credit for merely passing the accountability act and start showing leadership by actually putting it into force and by abiding by its rules and regulations?

• (1405)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As the honourable senator knows, the Federal Accountability Act received Royal Assent on December 12, 2006. We delivered on an election promise. It has been well acknowledged by the Canadian public that it is very satisfied with the content of this act. Implementation of the act is now underway. Some provisions are already in force and came into force immediately upon Royal Assent. We are working with the departments and the various stakeholders to ensure that the changes in the act are being implemented.

The remaining provisions will come into force as the necessary regulations are written, as I explained previously to Senator Milne. Just last month, we undertook consultations related to the new Lobbyists Registration Act, the Public Servants Disclosure Protection Act came into force on April 15, and Minister Toews announced the expansion of the Access to Information Act to additional Crown corporations by September 1 of this year.

Senator Milne: I thank the Leader of the Government in the Senate for her response, but I have to tell her again that Canadians are getting tired of simple rhetoric. Canadians want action and leadership; they want the Minister of Public Works and Government Services to step aside and order a contract not to

be awarded until the matter is cleared by an independent source. Canadians want ministers to do that when there is a perceived conflict of interest.

Speaking of conflict of interest, it was a large element of Bill C-2. In fact, it was 52 pages of the bill, the majority of which fell under section 2 of the act. Has section 2 been proclaimed? At what stage is the government in putting into place this conflict of interest regime? In the meantime, what code of conduct are cabinet members following while they wait for section 2 to be proclaimed? Are members following the previous act that disallowed apparent or prospective areas of conflict or are they following the yet to be proclaimed code of conduct, which is a much weaker regime?

Senator LeBreton: First, as a member of the cabinet, I can tell the honourable senator that I am well pleased by the conduct of every one of my cabinet colleagues. People have conducted themselves with the highest degree of integrity, and we are following all of the codes that were presented to us by the Privy Council Office and by the former Ethics Commissioner.

In terms of the particular question, I will take it as notice. Again, we were sworn in as the new government 14 months ago and during that time, the ministry and the government have conducted themselves with honesty and integrity, and Canadians recognize that.

PUBLIC WORKS AND GOVERNMENT SERVICES

AWARDING OF CONTRACT TO CGI GROUP INC.— POSSIBLE CONFLICT OF INTEREST

Hon. Lorna Milne: Honourable senators, my question is directed to the Minister of Public Works and Government Services.

The minister's government was elected on a slogan to clean the government "whiter than white" and he stated on February 27, "It is imperative that Canadians have confidence in the fairness, openness and transparency of the government's procurement activities."

An increasing number of Canadians and some of the national media that are not noted for their friendliness to the Liberal side of this chamber are asking for an inquiry into this contract. They are rapidly losing confidence in the accountability of the minister's department. Will the Minister of Public Works and Government Services become an example to his own government and recuse himself from the Treasury Board committee that oversees the procurement of this contract? Will the minister respect his own accountability act and step aside so that Canadians can regain the little confidence they have left in this aging government?

• (1410)

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, yesterday I appeared before the House of Commons Standing Committee on Government Operations and Estimates, where I answered several questions from the honourable senator's colleagues on this topic. I was

accompanied by several senior bureaucrats from the department, including the deputy minister. The deputy minister was asked point blank to comment on the conduct of the minister and his staff with respect to awarding contracts. I would invite the honourable senator to read what he said. From the get-go, we have not been involved, directly or indirectly, in any contractual situation in the department, as it should be.

I am not setting myself as an example; I think what I am doing is the right thing. This is how the department should be run. That was confirmed by the deputy minister, who, by the way, was appointed by the former Liberal government.

Senator Milne: Honourable senators, I have a further supplementary. As I stated before, we are pretty well aware that this government has selectively proclaimed only bits and pieces of its vaunted accountability act. Of the few parts proclaimed, many do not have the necessary structures, representatives or even office-holders to administer the legislation. Conveniently for the minister, one of the forgotten or ignored sections of the accountability act is the creation of a procurement ombudsman, whose very mission is to review procurement practices and investigate potential conflicts of interest.

Therefore, will the minister withhold awarding this contract until the long, overdue appointment of the procurement ombudsman is made, and will the minister allow the accountability act to finally shed a little light on this murky subject?

Senator Fortier: I wish to thank the honourable senator for her fourth question. If her colleagues from the other place had actually spoken to her before she asked that question, they would have told her that yesterday the deputy was asked this very question, to which he replied that they are now down to the short strokes with a few candidates. They are likely to be appointing someone soon. Advertisements were placed in national newspapers — a head hunter was contracted — and several interviews have been conducted. The deputy minister expressed certainty that the name of the procurement ombudsman will be announced shortly.

For the honourable senator's information, the procurement ombudsman's position will not be what the honourable senator believes it will be. The procurement ombudsman, for example, will receive complaints from some suppliers — but not suppliers that have lost contracts. Suppliers that have lost contracts have other avenues of complaint; they can go to various administrative tribunals, or even to the Federal Court. They would not go to the procurement ombudsman. The ombudsman will be there to handle complaints from other pockets of suppliers and will be there to provide both the minister and Parliament with suggestions on how to beef up and improve the procurement process. That individual would not necessarily be the right person for what the honourable senator has in mind.

The good news, however, is that the person will be appointed shortly and so the honourable senator should be happy.

Senator Milne: Will the minister postpone until then?

FINANCE

BANKRUPTCY AND INSOLVENCY LAW—
INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, my question is directed to the Leader of the Government in the Senate. The season for perennials is upon us, so I shall ask yet again a perennial question about insolvency legislation.

One would have thought that urgent requests from a multiplicity of stakeholders would move the government to forge ahead in this essential framework legislation, but nothing has happened. We know this government harbours great disdain for courts and for judges not of their stripe, but last month the Ontario Court of Appeal said this — and I am quoting from *The Lawyers Weekly*, Vol. 26, No. 48, which refers, in part, to that judgment:

At the very least consideration ought to be given to amending the BIA to reflect the existing state of the common law . . .

The article goes on to say:

The judges pointed to the 2003 report of the Senate Banking, Trade and Commerce committee, which urged Parliament to revamp the bankruptcy law in line with fairness, accessibility, predictability, responsibility, cooperation, efficiency and effectiveness.

Once again, the article quotes, in part, the judgment of the Ontario Court of Appeal:

The situation before us reflects none of those principles . . .

• (1415)

Aside from the stakeholders who have been urging the government to proceed with the legislation which it has in hand, the courts are now urging the government to proceed with the legislation which it has in hand.

When will the government take a few moments off from imposing its neo-con agenda on the people of Canada and start passing legislation which the people of Canada want, need and demand?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I am well aware of the courts asking that the government move quickly on this matter. This has been a difficult piece of legislation, as honourable senators know, because of our experience with it in the last Parliament. Ministers Blackburn and Bernier and their officials are working to try to write this legislation and get it right this time.

I was planning to apologize to Senator Goldstein for taking so long in providing a proper response to him, until the last part of his question, which I think was unnecessary. First, a “neo-con government” does not address issues such as settling the residential schools issue; a neo-con government does not resolve

the hepatitis C issue or apologize to the Chinese head tax victims. Those were all issues that confronted the honourable senator’s government, not our government. If that is what “neo-con” means, I am very proud of it.

Senator Goldstein: Honourable senators, my question remains. When will the government bring forward this legislation, which I have seen and which exists? All the government has to do is introduce it. When will the government do so?

Senator LeBreton: As soon as possible, Senator Goldstein.

Senator Goldstein: When is “as soon as possible”?

Senator LeBreton: “As soon as possible” is exactly what it is: as soon as possible.

THE ENVIRONMENT

KYOTO PROTOCOL—POLICY ON CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, the defeatism and negativity that this government brings to the debate on Kyoto never ceases to amaze me. It is as though they have no vision of what the possibilities are when we pursue Kyoto properly, for the economy, for quality of life and for our leadership role in the world.

Could the Leader of the Government in the Senate please tell us: Are they mired in this negativity and defeatism because they just cannot understand how capable Canadians are to rise to great challenges, or because the Leader of the Government in the Senate knows that her government simply cannot lead Canadians to meet those challenges?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): If honourable senators ever want a living, breathing example of a person who is mired in negativity, they should look in the mirror of Senator Mitchell. The fact is that Minister Baird will be announcing the government’s plan tomorrow, and it will be the first such plan that has ever been offered up by a government in this country. We are confident that it will be a fair, reasonable and balanced plan that will address the concerns related to the environmental issue as well as the industries that it will impact.

Senator Mitchell: Why is it that this government simply cannot understand the capability of Canadian business leaders to achieve the things that need to be achieved under Kyoto. For example, the forestry industry in this country has achieved not only its Kyoto obligations, but also seven times its Kyoto obligations already, five years before 2012?

• (1420)

Senator LeBreton: We do understand and we do have a plan. As Minister Baird rightly pointed out when he appeared before the Senate committee last week, as have many third party experts, the previous government had costed the commitments to Kyoto and that may be why we never saw the previous government do anything about it.

ANSWER TO ORDER PAPER QUESTION TABLED

CANADA PENSION PLAN

Hon. David Tkachuk (Acting Deputy Leader of the Government) tabled the answer to Question No. 28 on the Order Paper dated February 27, 2007—by Senator Callbeck.

CANADA ELECTIONS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—
DISAGREEMENT WITH SENATE AMENDMENT

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons to return Bill C-16, to amend the Canada Elections Act, and to acquaint the Senate that the House of Commons disagrees with the amendment made by the Senate to the bill.

Honourable senators, when shall this message be taken into consideration?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

POINT OF ORDER

Hon. Tommy Banks: Honourable senators, I rise to propose what I believe is a point of order. I was reminded of it when Senator Stratton was questioning me about the budget of the Standing Senate Committee on National Security and Defence. He said that there were presently six members of that committee. I responded that I thought there were in fact nine members of that committee because the Senate has determined there are nine members of that committee as set out in the *Rules of the Senate* in the appropriate place.

That conflict arose because three members of that committee, namely Senator Tkachuk, Senator Meighen and Senator St. Germain, have not attended the committee's meetings since February 27.

The point of order has to do with rule 85(3) and 85(4), and actually 85(2) as well. Rule 85(2) says that at the beginning of every session the Committee of Selection will make recommendations as to members of the committee. The Senate then accepts that recommendation — or it did in this case — and establishes who the members of the committee are.

Rule 85(3) says that those members shall “serve for the duration of the session for which they are appointed.”

• (1425)

Rule 85(4) allows for the changes in the membership of the committee by the Leader of the Government or the Leader of the Opposition and sets out the means by which that can be done.

The least important part of my point of order has to do with the notice that was given, headlined “Notification of Change in Committee Membership,” which says, “Pursuant to rule 86(4),

notification is hereby given of changes in the membership list of the following committee.”

Honourable senators, there is no such thing as rule 86(4). No such rule exists, so the piece of paper is wrong. It then says “the Standing Committee on National Defence and Security.” That is not the committee's correct name; but those are the minor points. I am assuming that is merely a typographical error. However, then it says that the senators affected by this notice are Senator Tkachuk, Senator Meighen and Senator St. Germain and that there is substitutes pending.

Honourable senators, I think that a reading of rule 85(4), which talks about a change in the membership of a committee, refers not to a change in the number of the members of that committee, but rather to the committee's membership. It contemplates, I expect — and this is the question — that there is an obligation when the Leader of the Opposition or the Leader of the Government makes a change in the membership of a committee that a member, having been removed, will be replaced in some reasonable time?

The Senate has determined that there are nine members of this committee. At the moment, there are six of us — I have the honour to be one of those members of the committee — who are doing the work. The committee's work is proceeding. Every member of that committee would rather that there were nine members of the committee present at its meetings, which take place on Mondays. I know that they would also prefer that those members were Senator Tkachuk, Senator Meighen and Senator St. Germain.

The main question, aside from the typographical errors in my point of order, is whether there is not an obligation on the Leader of the Opposition or the Leader of the Government, having removed — if that is what has happened, — a member from a committee to name a successor to the member of the committee so that there are, according to what I believe is an order of the Senate, the appropriate number of members of that committee? In the case of the Standing Senate Committee on National Security and Defence, that is nine. That is my point of order.

Hon. Colin Kenny: Honourable senators, further to the comments of Senator Banks, given that there is an order from the Senate following the report of the Committee of Selection, would one not be led to assume that when one is replaced — unless it is due to prolonged illness, death or resignation — it is a temporary matter; and that once the temporary occasion has passed, the order of the Senate creating the committee in the first place would pertain and the original members would go back on the committee?

Hon. Anne C. Cools: Honourable senators, I wish to join this debate in support of the point of order raised by Senator Banks, and supported by Senator Kenny.

I think many senators here know that for many years I have raised questions around the meaning of these rules. Perhaps we should begin by citing more carefully the relevant rules. Perhaps I should begin at the beginning, which is that membership on committees — in other words, composition, membership and the names of the individual senators — is a decision of this whole house.

The Committee of Selection makes recommendations to the Senate. If and when the Senate accepts them by a vote of all of its members, that recommendation then becomes an order of this Senate. Honourable senators, I would like to make clear that there is no power on earth to abrogate or to violate such an order of the Senate. That order of the Senate is binding on every member of the Senate, and it is even more binding on the leaders of the Senate, in particular the government leaders, because rule 85(4) accords a particular privilege to them to make alterations intended to be with the concerned senators' agreement. It is not possible for the Senate, in rules 85(3) or 85(4), to violate its own rules — its own orders. The Senate would not delegate a power to a leader that would have the effect of being contemptuous of its own orders.

• (1430)

Honourable senators, I have had no time to prepare on this matter. For the record, rule 85(3) of the *Rules of the Senate* states — and I quote:

Subject to subsection (4) below, the Senators nominated under this rule shall, when their appointments are confirmed by the Senate, serve for the duration of the session for which they are appointed.

That rule cannot be violated. When the leaders in this place claim that they have such a power to do so, they are making a most fallacious claim. I do not know anywhere else in the world that such a claim or such actions could be so boldly asserted and performed as in this house. It is a source of great pain to me.

Let honourable senators understand that there is no power in rule 85(4) to violate any order of the Senate. For the record, rule 85(4) states — and once again I quote:

Except as provided in subsection (2.1) above and subject to subsection (5) below, a change in the membership of a committee may be made by a notice filed with the Clerk of the Senate who shall cause such change to be recorded in the *Journals of the Senate*.

Again, the rule is clear. The rule speaks to a “change,” which is an alteration or a substitution; the rule does not say that the leaders can do it. The rule states, in part, as follows: “a change in the membership . . . may be made by a notice filed with the Clerk of the Senate . . .” Rule 85 describes the mechanics and the process, which is the completion of a form to be filed with the Clerk of the Senate. In fact, it is done with the committee clerks. Recently, I went to the Clerk of the Senate looking for some of those notifications and could not find them. Instead, I had to go directly to the committee clerks.

It becomes important for honourable senators to discern the nature and source of the power that the leadership in this place have usurped and taken unto themselves whereby they can make these changes arbitrarily, unilaterally and without consultation or discussion with other senators in a very bold-faced and shameful way. God knows and I know that it will be a long time before I shall ever accept that type of action. Let the pieces fall where they may.

Honourable senators, the intent of rule 85(4) is straightforward, to allow the system to function. If certain senators are ill and cannot attend committee meetings, the rule provide for a

substitution to be made without a decision of the whole Senate. I was surprised to discover that, all of a sudden, after years of understanding the nature of the common law and the law of Parliament, some senators no longer understand what these rules mean. I do not understand how this ignorance suddenly comes out of the blue and takes charge of us all.

These rules are not pure mechanics. Rather, they are supposed to live alongside not only the principles that govern this place but also the common law. It is an ancient principle of the common law that any aggrieved or questioned person has a right to respond. The rule, as consistent with the whole body of the law of Parliament and that of the common law, is premised on the fact that the agreement of the senators to the change is a *quid pro quo*, and is absolutely vital and necessary. For the most part, it should be done with consultation.

I state categorically that there is no room in the *Rules of the Senate* for arbitrariness or for the maltreatment of senators or for the violation of senators' freedom and privileges to participate in the business of this place and of its committees. Some senators here may have taken those powers unto themselves, some may be intent on not creating too much fuss, threat or commotion, but there is no such power to do what they are doing because there is never a power to mistreat.

We come from the British tradition. There is never a power to mistreat, whether in the hands of families or in the hands of bosses or in the hands of superiors. There is absolutely no power or right to mistreat any human being. There was a time in history when anyone who set out to maltreat a member of Parliament did so with fear and trembling. In the days when parliaments and their members took themselves seriously, and governments took members seriously, to finger a member or to lay a hand on or to violate any individual member of Parliament was done with much risk. In those days, parliaments did not play around; and the message for those who offended was impeachment or other harsh measures.

I shall now speak about committees themselves — and about Senator Segal and other senators. Honourable senators, whereas the creation of the membership of the committee is a creature of the Senate, chairmen and deputy chairmen of committees are creatures of the committee. Let us not confuse the two, and let us not try to pretend that the two are synonymous. There is no rule in the *Rules of the Senate* by which the leadership can even claim authority to alter chairmen and deputy chairmen ruthlessly and suddenly, without notice, as has been done.

Let us understand very clearly, honourable senators, what I am saying here. The deputy chairmen and chairmen are nominated and elected by vote of the entire committee membership.

• (1440)

Any removal of that person from those positions cannot be the privilege of any leader because those persons, the chairman and deputy chairman, are creatures of the committee. As a matter of fact, what happened in the instance of the Foreign Affairs Committee is quite interesting. Resignations may be accepted or may not be accepted, but one thing is crystal clear — the correspondence around the business of Senator Hugh Segal, and I believe Senator Michael Meighen, although I cannot remember very well — and their letters of resignation was most interesting,

expressing regret and unhappiness. The very language, the style and the turn of phrase showed very clearly that there was considerable pressure to resign from the committee leadership.

Honourable senators, in my instance, there was no resignation requested from me. I wrote no resignation. I made no resignation. Someone just did it. Someone just did it, and let people figure it all out. The record is there. Someone just asked what about my caucus. I can do less about them than anyone else can. The committee took someone's word. That is what the committee did.

I will tell you something, honourable senators. Nobody can resign anyone from anything. Can you imagine if the day came where a person could walk in here and say, "This senator has resigned," and the chamber just believes that that is a resignation? You cannot do that. We do not have to take the first course at any law school. All we have to do is to look at the basic common law principles.

Honourable senators, it is time. If there is any doubt about the meaning of these rules, then they had better be clarified, because in the absence of these rules, sooner or later someone, some member of Parliament somewhere will go to the courts to clarify the nature of the injustice that is being done to them in the name of party leadership. If the House is not willing to resolve these questions justly, sooner or later, someone else will do that. I know, because I have talked enough members and enough violated people out of starting up lawsuits. I have spent a lot of time doing that sort of thing.

In any event, in support of Senator Banks' point of order, I am trying not to talk too much about myself because I find the whole thing so shaming and shameful. Whenever a chairman or deputy chairman resigns from a committee, the committee always has the choice to accept or not to accept that resignation. It is just as if a minister resigns. Her Majesty's representative and the Prime Minister have the choice of accepting it or not. It does happen, and it used to happen often. This subject matter is so base, to my mind.

Honourable senators, those who have doubt can look up the record. The record of the Standing Senate Committee on National Finance at the end of September last year will show very clearly that someone went into a meeting, made an announcement to the effect that Senator Cools had decided to step aside from her duties and immediately made a motion to elect a new deputy chairman. That was the end of that. Honourable senators, I would go so far as to say that that was a void motion. I would say that was a defective motion that carried. Of course, it is a question of privilege. It was more than a question of privilege, too. These days adult senators are dealt with in this place as if they are little children, removed from committees and replaced on committees without their agreement and knowledge. This must be corrected.

We are talking about a change in membership, and all of a sudden no one knows the English language. It is the strangest thing. They are saying that a change may be made. That change means substitution, and it means temporary, and it means with the agreement of the individual senator, because no order of the Senate will ever tolerate or accept a violation of its own members, because the first order of the Senate is to uphold the rights and privileges of each and every single member of the Senate.

Honourable senators, this is a mark of the decline or the deterioration in this place. Some of these things shock me deeply. I sat in this chamber some months ago as a press conference went on outside there while the mace was on the table. Maybe some people no longer have respect for the mace on the table, but I can tell you that there is a mystical, almost spiritual side to it, and I was taught that when that mace was on the table, it commands and demands a certain kind of quality of respect or deference. Yet, certain persons, the Prime Minister in particular, held a press conference right outside this Senate door, in which he said something like I curse the Senate every morning I wake up. I do not have the exact words in front of me, but it was something like, I wake up every day, and the Senate bothers me. I curse the Senate.

Honourable senators, I do not understand. We can operate in a system where we have some respect for the process, for the system that holds us together and for the principles and for the number of people who perished and who died to bring these systems into existence. Perhaps we could have some respect for them and not seek refuge in puerile, infantile, juvenile assertions that a leader can do anything he or she wants to do. In these systems right here, leaders now treat members worse, quite frankly, than I have ever known any servant to be treated. I was raised to believe that you treat those who serve you well, and I grew up in a society where servants were commonplace, quite frankly. I grew up with them, and the first thing you are taught as a child is to respect those who support you and to respect those who serve you.

Honourable senators, it is important that this place as a whole begin to look at what I would consider the state of human relations in politics and the state of human relations within party caucuses. I heard assertions some weeks ago that this is a caucus matter. First, this is not a caucus matter. Second, caucuses are secret societies; everyone forgets that. They are secret societies. There is no real formal process. There are no proceedings. Because they are secret societies existing in a grey, almost non-existent area of the law, it is all the more important that caucus relations be managed with a decent and serious hand, not necessarily a compassionate hand, but a circumspect and astute hand. The entire function of such a secret society must be based on moral character and the force of principles, conviction and intelligence, rather than on brute force.

• (1450)

Honourable senators, I grew up in a very different way from many of you here. Only a few weeks ago, I was talking about the influence that William Wilberforce had on my life as a child. It was profound. As non-White peoples, we were encouraged to look to those rules and systems in terms of producing equality in society and in terms of producing what we called in those days a "liberal society," which was the language that was used. Perhaps we should look at some of that.

This issue is very worrisome. I do not accept that caucuses can continue to function on the premise that they can dish out as much hurt and mistreatment as they wish to their members, and that the members have no choice but to endure it or to quit the caucus. It is time for a full examination of this matter. I hope that His Honour will look at this very seriously, because the law of Parliament and the orders of the Senate are not supposed to be dealt with in this capricious, cavalier way.

Honourable senators, caucuses were the great innovation in the development of parties. Parties are an informal structure, which means all the more that their method of operation should be in accordance with principles that can clearly and quickly be identified and universally accepted and agreed upon.

I hope not to sound as though I am complaining but, honourable senators, I am the first Black senator, not only in Canada, but in all of North America. I have much public support in this country. I was chosen as number 72 in the CBC's 2004 competition on Canada's 100 greatest Canadians of all time, and was the only member of Parliament on that list. The first 35 were already deceased. I was number 72.

In addition, when the *Toronto Sun* ran its "10 Top Women" poll in 2004, I ran away with the contest. Apparently, I received over half of all the votes. I believe it was last year, 2006, that the *Toronto Sun* listed the 50 Canadians who made a difference, and again I was one of them, and again the only member of Parliament.

Honourable senators, if we are counting political support, if we are counting intelligence, if we are counting public acknowledgement and recognition, I certainly am qualified a thousand times over to sit on Senate committees and to be a chair or deputy chair of a committee. Honourable senators, it is sometimes very hard not to view these matters in racial terms.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, in view of the question first raised by my colleagues, Senators Banks and Kenny, and the comments made by Senator Cools, I think that we need to take a look at rule 85. It seems to me that this rule provides only for appointing and selecting committee members at the beginning of a session and that the procedure for changing committee membership during a session is unclear.

I have been faced with this situation myself, and I can say that the Liberal caucus is very uncomfortable with the procedure. Senator Cools is correct in saying that it is the Senate's job, not the leaders', to confirm committee membership at the beginning of the session. The committees designate chairs and deputy chairs — in consultation with the leadership, I will admit.

Nevertheless, one of my team's main concerns is to find people who have the ability to dedicate the necessary time and energy to committee work. When a committee has begun its work, it is always difficult to think of someone to replace a colleague, for whatever reason.

His Honour the Speaker knows that sometimes I send letters to say that on a certain day we will change a person's mandate because they are absent; warning is given. But as for the warnings, to get back to the original appointment procedure from the start of the session, in my opinion this issue is very obscure and I am not satisfied.

I have discussed it with my colleagues. It would be a good idea if the standing committee on rules or Your Honour's staff could help us with the interpretation and maybe with the amendment of our rules to help us find an easier and clearer way of proceeding during the session. I am not saying that there is not currently a certain underlying way of proceeding, but I think it is not very

clear, especially when a number of people are asked to leave their positions in the middle of a mandate.

Would His Honour the Speaker provide some guidance on this matter? The Standing Senate Committee on Rules, Procedures and the Rights of Parliament could study this issue. I agree with Senator Cools, who said that we cannot claim that a senator has resigned from a committee when that person was not on a committee. I do not think anyone needs a law degree to agree with that.

I think we need to repair the damage that has been done. We must figure out how to avoid these kinds of problems in the future. After all, they interfere with the quality of the work we do here in this chamber. This process prevents interested, competent people from serving on committees. We must be clear about how our work here in the Senate is managed. As we all know, at the beginning of the session, senators are invited to make choices. They each represent certain interests, and they can attend meetings of the committees that interest them and on which they would be capable of serving.

I think that our leaders have always complied with this unwritten rule. The Committee of Selection reports to the Senate, and the Senate adopts the report, so committee members are appointed by the Senate. I think we should change this procedure, and I invite His Honour the Speaker to comment on how we might resolve this dilemma.

[English]

Hon. David Tkachuk (Acting Deputy Leader of the Government): All of this over committee membership. I was one of those members. My life has not changed that much that I have noticed, but, nonetheless, this is an important matter. Let us cut to the chase.

Senator Banks, we know there are nine members on the committee, of which there are six now, because three have been suspended, and, honourable senators, this is not a valid point of order. Rule 85(4) is clear that a change may be made by a notice filed. It does not specify the length of time for which the change is effective. It is a clear exception contained within the rules.

• (1500)

Honourable senators, rule 85 clearly contemplates changes in the memberships after the Selection Committee has presented its report. The changes may be made in the form specified by rule 85(5), which is signed by the leader or a senator designated by the leader, typically the whip. Rule 85(4) says that it shall be a change in the membership. There is no limitation on the nature of that change or its duration. In this case, the change selected was to give notification that the name of the substitute was pending. In other words, it had not yet been determined. Frankly, it was a mechanism to draw attention to the situation where a committee of this chamber had decided to exclude completely government representation from the subcommittee.

In Beauchesne's sixth edition, paragraph 773 seems to support rule 85(4):

A legislative or special committee's membership may be changed at any time in accordance with Standing Order 114(3) by the presentation of a notification signed by the Chief Whip of a recognized party.

As well, Erskine May, twenty-third edition, referring to the House of Lords, states that changes in memberships, even of committees set up under a standing order, which itself requires that memberships should continue for the remainder of Parliament, are by no means infrequent.

I ask that the Speaker rule that this is a not a point of order and accept our argument as follows: memberships in committees can be changed; there is a process to change that membership; we followed that process; and, we were correct in doing so.

The Hon. the Speaker: Honourable senators, pursuant to rule 18(3), I have heard sufficient presentations from honourable senators on the point of order that has been raised. I was thinking of issuing my decision on this right away because I have some familiarity with the rule, but then I recalled that one of the six inscriptions that are in the Speaker's quarters says: *Nihil ordinatum est quod praecipitatur et properat* which translates to mean: "Nothing that rushes headlong and is hurried is well ordered." It is from Seneca.

[Translation]

Honourable senators, as we say in plain English, "Haste makes waste".

[English]

In that spirit, I shall take the matter under advisement and report with a ruling in due course.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. J. Trevor Eyton moved third reading of Bill C-26, to amend the Criminal Code (criminal interest rate).

He said: Honourable senators, I rise today to speak on Bill C-26, an act to amend the Criminal Code relating to criminal interest rates. I believe this bill that deals with the payday lending industry presents a pragmatic and effective way of delivering certainty to a market that until now has been largely unregulated. Most importantly, Bill C-26 paves the way for the protection of consumers who borrow from payday lenders.

No federal legislation specifically addresses the majority of issues surrounding payday loans. The lenders of payday loans are not deposit taking institutions. The federal statutes and laws that govern mainstream financial institutions do not apply to them, and, as a result, payday lenders, representing a relatively new industry, fall for the most part into a legislative vacuum. When things go wrong for consumers, it is not clear to whom they should turn.

Make no mistake; we have seen that things can go wrong for users of payday loans. Payday loans come at a high price, after factoring in the interest charged and additional fees, including

application fees, processing fees, convenience fees and other miscellaneous charges. In some cases, lending practices can be abusive. Sometimes borrowers do not understand the financial consequences of their loans, sometimes borrowers are not able to pay within the time stipulated and sometimes these lenders charge additional refinancing fees for revolving payday loans in successive pay periods.

Many payday lenders offer little explanation for fees and charges. Often, they use ambiguous descriptive terms, such as "verification fees," "defined benefit plans," or "finance charges" and similar phrases. Sometimes there is no disclosure of total fees. As a consequence of all this, consumers are left confused, while payday lenders appear to have free rein to do as they wish.

Provinces, meanwhile, perceive they face a barrier preventing effective regulation of a financial service that consumers clearly embrace for, indeed, payday loans are popular and well used by Canadians in the millions. For example, the loans are arguably criminalized by virtue of the fact they exceed the 60 per cent limit established by section 347 in the Criminal Code. As the loans are illegal, regulators cannot intervene to control costs by any means that will ensure these loans are available to consumers. Bill C-26 proposes to respond to this quandary, coming as it does from some five years of consultation between the federal government and the provinces and territories. This bill creates a special exemption from section 347 that will enable provinces and territories to regulate the industry effectively by setting clear and acceptable rules. This bill does that by recognizing regulatory regimes that bring stability and certainty to the marketplace.

Let me be clear: The government is not imposing unwanted legislation on the industry as payday lenders have been generally supportive of Bill C-26. The industry realized a regulatory framework is necessary so the lenders can compete on an even playing field. Moreover, extensive consultations have taken place between the federal government, the provinces and territories and the industry represented by the Consumer Measures Committee, or the CMC. The CMC operates under Chapter 8 of the Agreement on Internal Trade, which, amongst other things, has a specific mandate to provide a forum between governments on issues relating to consumers.

The CMC struck a working group to look at the alternative consumer credit market. Since its inception, the working group's main focus has been to look at how the payday lending sector worked. The working group has examined the industry in depth. It twice carried out public consultations with industry, consumer advocates and academics, and it conducted a round table discussion with stakeholders.

The result of all this work is Bill C-26. This bill paves the way for the provinces to establish regulatory regimes that bring stability and certainty to this particular marketplace. In fact, a number of provinces are well on their way to achieving that goal.

For example, the Province of Manitoba has already passed payday loan legislation. It will require companies to operate within a comprehensive provincial regulatory framework. It will also require that payday lenders be licensed and bonded. The Manitoba legislation empowers the Manitoba Public Utilities Board to set the maximum rate that lenders can charge. The law will prohibit new fees when loans are renewed, extended or

replaced, unless these fees are authorized by the public utilities board. The Manitoba legislation will also prohibit the practice of signing over future wages or car ownership. Consumers will also have the right to cancel a loan within 48 hours.

Additionally, the legislation in Manitoba gives the Consumers Bureau in that province the right to gain access to licensed premises and to make copies of records. By that means, the bureau will be able to gain access to premises where there is evidence that payday loans are being offered without a licence.

• (1510)

Nova Scotia, for its part, recently passed legislation that empowers the Nova Scotia Utility and Review Board to regulate payday lenders. The board can set “just and reasonable” maximum amounts for interest rates, fees and penalties. In addition, lenders must explain the full cost of loans, and the Nova Scotia legislation regulates the practice of rollovers and prohibits lenders from charging penalties when loans are repaid early.

Once these laws are in effect, consumers will know exactly where they stand, and lenders will know the restrictions on their business behaviour.

Saskatchewan and British Columbia have also recently introduced legislation that is largely consistent with that of Manitoba and Nova Scotia. I understand other provinces are watching with great interest.

Our goal, honourable senators, is to provide a framework where each of the provinces and territories that see a need to regulate the industry can do so. With the passage of Bill C-26, they will, each of them, be able to establish a regulatory regime that will set rules for the industry suiting their respective jurisdictions.

Let Bill C-26 pave the way for those jurisdictions that want to make payday loans more transparent, fair and straightforward for consumers.

At the same time, I would emphasize that the bill does not interfere with the variety of possible policy choices provinces may make. Quebec, as we know, prohibits payday lending by setting a lending ceiling that is lower than the Criminal Code rate. It can continue to do so.

I urge all honourable senators to vote in favour of this bill. Provinces are awaiting its passage so that they can ensure that their consumers are properly protected through appropriate consumer protection legislation. Canadians, by these means, will have greater stability and certainty around this emerging industry.

Hon. Jeremiah S. Grafstein: Honourable senators, I shall comment on this bill from the standpoint of the Standing Senate Committee on Banking, Trade and Commerce, which approved the bill without amendment but with some observations. I want to take honourable senators through those observations. They are brief, but it is important for the Senate to understand the importance, delicacy and complexity of this particular bill. It is short, but complex, and has far-reaching effects.

As you will recall, some time ago the Senate committee established a benchmark study on consumer protection in the financial services. In that study, the committee uncovered

the payday lending business, and we were astounded to discover that the business had grown from \$1 to somewhere between \$2 billion and \$5 billion in less than half a decade. It is an astounding growth of business, one that obviously fulfills a consumer requirement. The reason I say the range is from \$2 billion to \$5 billion is because we have a lack of information in the field itself.

The committee decided to report the bill without amendment — and I shall now quote from the report:

... even though we have reservations about the Bill as drafted, because of the following factors.

This is a direct quote from our report.

First, the Committee unanimously supports measures designed to facilitate the protection of consumers in respect of payday loan services and does not wish to delay access to legislated protection for these borrowers, some of whom we believe to be vulnerable. We have some familiarity with the section of the *Criminal Code* that would be amended by the Bill as well as with issues related to payday lending. In particular, in 2005, we examined a bill proposed by our former colleague, Senator Plamondon, which also sought to amend section 347 of the *Criminal Code*, and — in the context of our study of consumer protection in the financial services sector — heard from witnesses on the subject of alternative financial service providers, particularly payday lenders.

The report goes on to say the following:

We continue to be somewhat puzzled by the reasons underlying the rapid growth of the payday lending sector.

As I say, we are puzzled because members of the financial sector are also puzzled. We were not able to track down or get precise numbers of the size of the growth of this particular business activity.

The report goes on to say:

This growth suggests that the services provided by such lenders are needed by consumers. Important considerations for us are the reasons for the emergence and growth of this sector as well as what appears to us to be a lack of involvement by chartered banks in short-term, low-value lending.

The committee came to a strong consensus that we had not had adequate rationale as to why the banks have not fulfilled this particular need, and we hope to pursue that.

The report goes on to say the following:

During its recent presentation to us on Bill C-37, the Canadian Bankers Association indicated that it, too, is perplexed. It also indicated that the chartered banks provide a range of credit options on a short-term basis. Nevertheless, the Committee believes that the payday lending sector's growth may be related, in part, to a relative unwillingness by Canada's chartered banks to lend to certain borrowers, who then become customers of payday lenders. Consequently, we

urge Canada's chartered banks — which are federally regulated, belong to an independent complaint resolution mechanism, and are involved in some aspects of financial education — to begin making short-term, low-value loans.

Honourable senators, that is not a requirement; it is a suggestion by your Banking Committee. The committee, which has the powers, under this chamber, of oversight in the financial sector, will be following this issue closely. The deputy chairman and I intend to attend on the presidents of all the senior banks in Canada to ask for a direct understanding as to why they have been reluctant to move into this field. We have heard from their association, but we would rather hear from the principals themselves. When that happens, we shall report back to the committee precisely.

The report went on to say the following:

Moreover, we believe that implementation of the proposed legislation could result in the federal government granting exemptions to designated provinces —

Senator Eyton pointed that out very carefully.

— with insufficient assurances that provincial actions would provide the level and nature of consumer protection in this sector that this Committee seeks. As well, there is no assurance that all provinces will enact protection measures following enactment of this legislation. Finally, we are concerned that a patchwork of non-uniform protection measures could develop across the country.

I shall explain what happened here. Senator Eyton set this out very clearly, but I wish to add a brief comment. This is a federal-provincial matter, obviously. We have power in the federal field with respect to interest; credit is a power for the provinces. This has been a long-term negotiation and consultation between the federal and provincial governments. The previous government had long and extensive negotiations, and this government continued those negotiations with the various stakeholders. We developed what we considered to be a minimum, not a maximum, standard.

I go back to the report:

Thus, we urge provinces, in adopting consumer protection measures pursuant to this Bill regarding the payday lending sector, to include minimum requirements in at least the following areas:

The bill was not clear on this, and we felt we could not legislate additional amendments because the provinces had completed a negotiation and it was not appropriate for us to change those negotiations unilaterally. Still, these were our concerns.

limitations on rollovers and back-to-back loans; mandatory participation by payday lenders in an independent complaint resolution mechanism; mechanisms ensuring full and accurate disclosure of contract terms; acceptable debt collection practices; and a right for the borrower to rescind the loan and obtain full reimbursement no later than the end of the day following the making of the loan. Efforts made by payday lenders in the area of consumer financial education would also be welcome.

That is what our report said. Finally, we concluded with this — and I quote:

Consistent with the Committee's mandate, we will continue to monitor developments in the payday lending sector, and hope that the enactment of Bill C-26 will allow effective protection to consumers. In our view, if the provinces fail to meet minimum standards in the areas indicated above —

We have effectively given them an agenda.

— the federal government should take appropriate legislative action.

I shall end with this: This is not a bill where the government is delegating power to the provinces with respect to the criminal power, setting interest rates. This is a bill that allows the provinces to be exempt from a certain section of the Criminal Code provided they institute legislation. The bill has a bare-bones legislative requirement.

At any time, if the federal government or this chamber, after monitoring, comes to the conclusion that the status quo is not working well and that consumers are not protected and there are not minimum protective devices within the various provinces to ensure that the consumer is protected, there is no reason why the government of the day cannot legislate and take back this exemption and/or a private member's bill from this chamber could go forward to deal with it.

• (1520)

I undertake, on behalf of the committee, to continue to monitor this bill. The committee has unanimously decided to support this bill subject to those observations.

I understand that Senator Callbeck, who was a critic on our side, would like to speak as well. She is not here. I will take the adjournment in her name. There is no attempt to delay the matter; the honourable senator just wishes to speak to it.

On motion of Senator Grafstein, debate adjourned.

BUDGET 2007

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau, calling the attention of the Senate to the Budget, entitled *Aspire to a Stronger, Safer, Better Canada*, tabled in the House of Commons on March 19, 2007 by the Honourable James M. Flaherty, P.C., M.P., Minister of Finance, and in the Senate on March 20, 2007.

Hon. Lowell Murray: Honourable senators, I thank the Deputy Leader of the Opposition for her courtesy in agreeing that I intervene in her stead and, as usual, on the condition that when I finish the adjournment will continue to stand in her name.

When the Leader of the Government, Senator LeBreton, opened debate on this inquiry on March 29, she provided us with a comprehensive description of the main provisions of the budget. My remarks will be comparatively limited focusing on federal-provincial-territorial fiscal relations. I want to assure honourable senators to my right that I do have some positive observations to make about the budget in this respect and I will come to them if time permits.

Meanwhile, I do say that the government is to be applauded — and here I would defer to our colleagues who come from the territories — for measures taken with regard to territorial financing. They have accepted the main recommendations of the O'Brien committee in this respect to bring territorial financing back to a formula-based program. They have built into the formula recognition of the quite different needs and circumstances among the three territories, and in particular that of Nunavut, where what we have, to all intents and purposes, is native self-government and where there are very serious problems and frankly horrendous social indicators. This is a matter that sooner or later the Senate may want to take up, if only for the purpose of keeping those problems front and centre before the government and before public opinion in this country.

The budget document entitled *Restoring Fiscal Balance in Canada* also confirms and reconfirms the intention of the government to get on with the negotiations on resource revenue sharing. I trust they will and I trust they will come to some satisfactory conclusion to a matter that has been dragging on without satisfactory conclusion for more than 20 years. So long as it has not been brought to a satisfactory conclusion, we cannot say we have been fair and just toward the territories and we will reap alienation on that account.

With regard to the controversy on federal and provincial relations involving the provinces of Newfoundland and Labrador, Nova Scotia and Saskatchewan, two promises were made by Mr. Harper before he became Prime Minister. One was that there would be zero inclusion of natural resource revenues in calculating the relative fiscal capacities of provinces. The second was that the equalization formula would contain no automatic cap on the equalization entitlement of any recipient province.

I will deal with the question of zero inclusion first. Here I would say that the surprise is not that Prime Minister Harper broke the promise, but that he made it in the first place. The idea of zero inclusion of natural resource revenues has a respectable enough academic provenance, with Professor Ken Boessenkool one of its prime advocates. The argument is that the exploitation of non-renewable natural resources and the revenue therefrom is like the sale of a capital asset: It is obviously nonrecurring. It is one off. The counter argument is that those revenues, for the most part, go into the consolidated revenue fund; the general revenues of the provinces concerned, and are used to provide services and must be reckoned as part of a province's fiscal capacity.

The National Finance Committee of the Senate studied both arguments. We heard from Professor Boessenkool and others and reported in 2002 recommending not zero inclusion but 100 per cent inclusion of provincial revenues including natural resource revenues. In 2001-02 the Senate had crunched some numbers retrospectively and they are to be found in our report of

March 2002 at page 24. I had had these numbers updated, with some help from the parliamentary library, just before the 2004 election.

The Senate Finance Committee came to the same conclusion, a second time, several years later, that is to say there should be 100 per cent inclusion of natural resource revenues in the report we tabled here in December of 2006. The provincial-territorial advisory panel appointed in 2005-06 by the Council of the Federation also projected the impact of zero inclusion of natural resource revenues and those projections are to be found on page 84 of our report entitled *Reconciling the Irreconcilable: Addressing Canada's Fiscal Imbalance*.

All projections come to the same conclusion. Zero inclusion would produce a big bonus for Saskatchewan and to a lesser extent British Columbia and Newfoundland and Labrador, but all other recipient provinces would take a big hit. The total equalization pie would be smaller and the share of the five other recipient provinces would be smaller.

Minister Flaherty's budget proposes not zero inclusion of natural resources, as promised by Mr. Harper and I might say Mr. Layton back in 2004, not 100 per cent inclusion, as recommended by the Senate committee twice and by the provincial-territorial panel once, but 50 per cent inclusion as recommended by the federal expert panel chaired by Al O'Brien that reported in May 2006.

The 50 per cent inclusion is not, I say, a principled position; after all, 100 per cent of other provincial revenues are included. It is a pragmatic solution. While I have no right to speak on behalf of Saskatchewan or the two Atlantic provinces, my hunch is that while Newfoundland and Labrador and Saskatchewan would have continued to protest any inclusion of natural resource revenues, the 50 per cent solution might have been somewhat or more palatable without the Ontario cap. It is the Ontario cap that does the greatest damage and if you want some detail on that you should read the testimony of the Minister of Finance of Saskatchewan when he appeared before our committee a week ago Tuesday.

This brings me to the cap. The problem, as I have suggested with the cap for Saskatchewan, in a nutshell is that Mr. Harper, seconded by Mr. Layton, promised there would be none, and then imposed it in the context of 50 per cent inclusion of natural resource revenues.

• (1530)

For Newfoundland and Labrador and Nova Scotia, the issue is whether the offset payments to Nova Scotia and Newfoundland and Labrador under the offshore accords should be included in calculating the fiscal capacity of those two provinces.

There is a history to this. Honourable senators will be relieved to know I will not rehearse the whole thing going back to the discussions under the Trudeau government, its then Energy Minister Jean Chrétien and those Atlantic provinces on this subject. Suffice it to say that previous federal and provincial governments defined the offshore agreements as economic development agreements. They were pursuant to section 36(1) of the Constitution Act, 1982, not section 36(2), the provision that deals with equalization.

Some may say — and have said — that this is mere semantics; but the recipient provinces contend that there is no more justification for including those payments in calculating relative fiscal capacity than there would be to include, say, federal transfers for infrastructure to Ontario and other provinces in calculating their relative fiscal capacity.

The more recent history begins with Prime Minister Martin in the 2004 election when he made a public commitment to Newfoundland and Labrador — and at least inferentially to Nova Scotia — that the offsets would not be included in calculating the fiscal capacity of those provinces for purposes of equalization entitlements. When the election was over and the time came to dot the Is and cross the Ts on Mr. Martin's commitment, officials in the federal Department of Finance began to interpret his commitment and to define it in their own terms — and they were relatively limited and narrow terms.

Among the limits they tried to impose was the so-called “Ontario cap” on the equalization entitlements of Newfoundland and Labrador and Nova Scotia. That set off a heated and dramatic controversy between Ottawa and those two provinces that ended only when Prime Minister Martin overruled his officials and signed agreements with Newfoundland and Labrador and Nova Scotia that honoured his earlier commitment to those provinces.

Fast-forward to 2006; a new government comes to office. The equalization program was due — overdue, actually — for renewal, and the Department of Finance found a minister in Mr. Flaherty and a prime minister in Mr. Harper who were willing to adopt as their own the policy that Mr. Martin, in some moments of political lucidity, had refused.

As the Bible says, “the stone that the builder rejected has become the cornerstone. Those of you who were at church at Easter will recognize the citation from the Book of Psalms.

The result for Nova Scotia and Newfoundland and Labrador is that the Flaherty budget of 2007 has put them between a rock and a hard place. They can elect to stay with the old system, including the offsets, but without the benefit of the 10-province standard that other recipient provinces will get as a result of the new formula; or they can go with the new system in which they will have to accept the Ontario cap, and thereby forego possible benefits from the offshore development in the years ahead. This is what one commentator on television described as “equalization by multiple choice,” and it is not what the Conservative Party promised.

All that being said — I think that I have said this before — with regard to federal-provincial fiscal relations, Mr. Harper's speech in Quebec City on December 19, 2005, is the right way to go. When it comes to the specific question of fiscal imbalance, the policy of the present government is a considerable improvement over that of its predecessor, which denied that fiscal imbalance existed or could exist in this country.

Mr. Dion himself, when he was Intergovernmental Affairs Minister, regurgitated the Department of Finance brief to the effect that federal and provincial governments have access to the same revenue sources; and if the provinces need more money, let them raise taxes. If you do not believe me, read the letter that the provincial-territorial panel received from Mr. Goodale and his colleague, Madam Robillard, then Minister of

Intergovernmental Relations at page 107 of our panel's report, when they said:

The position of the Government of Canada concerning the so-called fiscal imbalance is well known. The government does not believe in the existence of a fiscal imbalance between the federal and provincial governments in Canada. Both orders of government have access to all the major sources of tax revenue and have complete autonomy in setting their tax policies to address spending pressures related to their respective responsibilities.

That was their policy. I think Mr. Flaherty is right when he says, as he said in the 2007 Budget document, *Restoring Fiscal Balance for a Stronger Federation*:

Fiscal imbalance is about better roads and renewed public transit, better health care, better equipped universities, cleaner oceans, rivers, lakes and air, training to help Canadians get the skills they need. It is about building a better future for our country, and that means getting adequate funding to provincial and territorial governments.

The improvements that were made on the horizontal fiscal imbalance was to put equalization back on a formula-based footing. They now measure relative fiscal capacity on the basis of a 10-province standard, not a 5-province standard, as had been the case for 20 years or more; and they collapse the representative tax system into something more rational and coherent and, with the exception I have noted, the inclusion of all revenues.

The grave problem, of course, is the Ontario cap. I want to say a further word. I hope I have the time. Do I have the time?

The Hon. the Speaker: You can ask for leave to continue.

Senator Murray: I will ask for leave and I hope when my five minutes are up —

Hon. Anne C. Cools: Articulate the amount you want.

Senator Murray: I will get through this if it is granted.

The problem of vertical fiscal imbalance, as seen by the provincial-territorial panel, is that provincial expenditures — notably in health care and post-secondary education — are forecast to grow faster than provincial revenues and would bring provincial governments into deficit positions within six years. We were forecasting 5.7 per cent annual increase in health care, 3.8 per cent annual increase in elementary and secondary education and 4.5 per cent increase in provincial expenditures on post-secondary education. If our forecast was exceeded by 1 per cent, the provinces would plunge into deficit much sooner.

Even in the most conservative estimate, health care and education will account for 75.4 per cent of provincial-territorial revenues in 2024-25. If we are off by 1 per cent, it will account for 91.6 per cent of provincial-territorial revenues and 76.2 per cent of provincial-territorial spending.

The budget confirms the 6 per cent annual increase in the Canada Health Transfer, as negotiated by the previous government, out to 2013-14. It puts the Canada Social Transfer for post-secondary education, children and social transfers on the same legislative track — that is to 2013-14 — which is a good thing.

They propose to go to equal per capita cash for all the provinces. While they put \$687 million in to pay for this in terms of the increases to Ontario and Alberta and to keep the other provinces whole for one year, the fact is that the other recipient provinces will be losers. The richer, more populous provinces will be getting much more cash, whereas the increase will be far less for the poorer provinces going forward, and we heard this in some detail from Mr. Van Mulligan a week ago.

Restoring equalization to a formula-based program is an important step forward. Confirming the 6 per cent annual increase in the Canada Health Transfer is the right thing to do. I think the 3 per cent escalator provided for in the Canada Social Transfer is quite inadequate, given the problems that post-secondary education faces and the fact that post-secondary education has been disadvantage over a long number of years because of the ever-increasing financial demands of health care. The 3 per cent escalator will prove to be and is inadequate.

• (1540)

A promise in the budget “reconfirms” limiting the use of the federal spending power. For those honourable senators opposite who might become antsy about any limitation on the federal spending power, I say that when we asked her at the committee this past Tuesday, Ms. Barbara Anderson, Assistant Deputy Minister of Finance, confirmed that this wording is almost identical — my phrase, not hers — to the Social Union Framework Agreement negotiated by the Chrétien government with nine of the provinces. I hope that when the time comes the government will seek to legislate an agreement on limits to the federal spending power which we did not do with the Social Union Framework Agreement and to include some protocol with regard to direct federal spending to individuals and institutions in areas of exclusive provincial jurisdiction.

Finally, there is much talk in the documents about earmarking amounts within the Canada Social Transfer specifically for post-secondary education, social programs and support for children, to which Senator LeBreton referred in her speech. The federal government can “earmark” and “earmark,” but the fact is that these are unconditional grants, and the provinces will spend them as they choose to do so, pending some more concrete agreement between the federal government and the provinces. It is nice to see what the government has in mind and it may help to put the feet of the provinces to the fire on some of these priorities. However, essentially, these are unconditional grants, and we should not forget that going forward.

I know that Senator Moore has an Inquiry on the Order Paper that deals with just this matter. Perhaps there will be an opportunity for me and others to revisit the subject when it comes up for debate.

On motion of Senator Tardif, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Dallaire, for the third reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Comeau*)

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read third time and passed, on division.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Human Rights, (budget—study on an invitation to the Minister of Indian and Northern Affairs—power to hire staff), presented in the Senate on March 29, 2007.—(*Honourable Senator Fraser*).

Hon. A. Raynell Andreychuk: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the Rules of the Senate—questions of privilege and points of order), presented in the Senate on April 18, 2007.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I would like to do something not often done in this place. The issue referred to the committee was looked at by committee staff and I would put on the record today how impressed I was with their detailed knowledge of the *Rules of the Senate of Canada* and their skills in proposing solutions to the questions raised. I thank them for their great work.

Honourable senators, on October 26, the Speaker ruled on a point of order dealing with notice that had been given by a senator in this place on a question of privilege. In his ruling, the Speaker agreed that a certain degree of information regarding the question of privilege is required in the notice so that it meets the requirements of the Senate. The Speaker also noted that there exists a lack of clarity in the *Rules of the Senate of Canada* on when questions of privilege and points of order may or may not be raised.

The Speaker suggested that the Standing Committee on Rules, Procedures and the Rights of Parliament examine the question of how these issues might properly be reflected in the *Rules of the Senate of Canada* and to more closely define the limits placed on when points of order and questions of privilege may be raised during the different divisions of Senate proceedings in the chamber.

After consideration, our committee has decided to amend the rules as outlined in its fourth report. In effect, the changes can be described as follows:

Rule 23(1) has been changed to clarify that the periods of time when points of order are not allowed include Senators' Statements, Routine of Business, Question Period and Delayed Answers. It is felt by the committee that the proposed changes more clearly define this question. As well, honourable senators, the phrase "provided that the written notice shall clearly identify the subject matter that will be raised in a question of privilege" has been added in substance in the appropriate sections of the *Rules of the Senate* in order to meet the objectives of clarifying this requirement for notices of questions of privilege to be raised. It is hoped and believed that this additional language will assist senators in keeping in mind the needs of other senators to properly prepare themselves for an important procedure to the operation of the Senate.

The *Rules of the Senate* have been amended to clarify that questions of privilege "arising out of proceedings in the chamber during the course of a sitting can be raised as notice immediately or the following sitting day at the choice of the aggrieved senator."

This change can be found in the proposed 43(3.1), grouping it with the rest of the sections that deal with this process and removes it from the sections under Rule 59, which appeared to have created confusion as to whether it could be invoked and, if so, when. I trust this outlines the intent of the proposed changes to the rules that were prompted by the speakers, and I move the motion standing in my name.

• (1550)

The Hon. the Speaker: The adoption of the report is being moved by Senator Di Nino, seconded by Senator Nolin.

We are now on debate on that motion, whether to adopt the fourth report, which has in it recommendations. If we adopt the report, those recommendations will constitute a change in the rules as spoken to by the report.

Hon. Anne C. Cools: Honourable senators, I should like to speak in this debate, so I move the adjournment of the debate.

In his remarks, I believe Senator Di Nino said the committee decided to change the rules. No such decisions have been taken. It is the vote of the chamber.

On motion of Senator Cools, debate adjourned.

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Perhaps I could raise a question that has to be addressed today. Honourable senators, in looking at today's Order Paper I noticed that my inquiry on Remembrance Day and the contribution of the Arab peoples has disappeared. I do not know what happened, but it has disappeared. I noticed a few days ago that some weeks ago Senator Comeau, the deputy leader, had taken the adjournment. I had inquired of him a couple of days ago whether he was planning to speak to it, because I wanted to be able to take the adjournment myself, to be able to speak to it and to respond to other senators who have spoken. I am concerned that maybe Senator Comeau did not do that yesterday. He told me he would.

An Hon. Senator: He was not here.

Senator Cools: I do not know that. I wonder if I could have leave to have it reinstated.

The Hon. the Speaker: On this point, Senator Cools is advising us that the item was at the fifteenth day, and she operated under the assumption that Senator Comeau, who we know attended the funeral of Mr. Yeltsin on short notice, was not here, so I think there was a bona fides mistake.

If it is agreeable to honourable senators, I will verify that, and would we not agree that Senator Cools would not be disadvantaged and that we could by leave make sure that that item is at day 15 tomorrow?

Is that agreed, honourable senators?

Hon. Senators: Agreed.

SCRUTINY OF REGULATIONS

FIFTH REPORT OF JOINT COMMITTEE— DEBATE ADJOURNED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 14:

The Senate proceeded to consideration of the fifth report of the Standing Joint Committee for the Scrutiny of Regulations (Report No. 79 - Broadcasting Licence Fee Regulations, 1997), tabled in the Senate on March 20, 2007.—(*Honourable Senator Eyton*)

Hon. J. Trevor Eyton moved the adoption of the fifth report of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations.

He said: Honourable senators, in recent years, there has been a significant increase in the frequency with which Parliament has delegated authority to impose fees and other charges. There has been a corresponding increase in the number of instruments

requiring such payments for purposes of cost recovery. Developments in this area are clearly of interest to Parliament. The fifth report of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations draws the attention of the Houses to certain of these developments.

On December 14, 2006, the Federal Court ruled that the fees imposed by Part II of the Broadcasting Licence Fee Regulations, 1997 are illegal because they are in fact a tax imposed without Parliament's authority. The court based this conclusion on the fact that Part II fees could not be considered charges paid in exchange for a service since they were not used to fund a regulatory scheme. Rather, they were used to collect general revenues and were not set aside for broadcasting purposes. Moreover, there was no reasonable relationship between the fees and the cost to government of regulating the broadcasting industry.

The sums involved are and were substantial. Over the seven years for which figures were provided to the court, the fees collected exceeded the Department of Industry's expenditures in regulating broadcasting by \$539.6 million, an average of more than \$77 million per year.

The reasoning of the court reflected concerns raised by the standing joint committee, which observed in its seventy-third report that the Part II fees bore many characteristics of a tax.

There is a distinction in law between a fee and a tax. A fee is said to be a charge prescribed for the services of a public officer or for the grant or recognition of a privilege or right, while a tax is generally defined as a compulsory payment imposed in order to raise revenue for a public purpose. Parliament frequently empowers a delegate to levy a fee. On the other hand, the authority to impose a tax is rarely delegated. Indeed, the courts have held that there is a presumption against the delegation of that authority. In other words, if Parliament wishes to delegate authority to impose a tax, it must do so in express and unequivocal language. Where the power to impose a fee is exercised in a manner such that the resulting charge is more properly characterized as a tax, the fee in question must be seen to be unlawful.

In its judgment, the Federal Court quoted extensively from a paper prepared by the standing joint committee exploring the legal distinction between a tax and a fee that was presented at the Third Commonwealth Conference of Delegated Legislation held in London in 1989. The judge observed that, at that time, "comments were made by those Parliamentary members experienced and charged with reviewing delegated legislation" that "arguably reflect legitimate expectations of those within Parliament as to the meaning and use of the word 'fee' in legislation." Thus, the court emphasized the importance to be accorded the words used by Parliament when it confers the power to impose charges.

The question of whether broadcasters are entitled to a return of the monies paid as Part II fees remain the subject of an appeal. The joint committee's fifth report notes that a recent decision of the Supreme Court of Canada, namely, the *Kingstreet Investments* decision, will no doubt have a bearing on this question. In that decision, the Supreme Court ruled that there is no general

immunity affecting recovery of an illegal tax. According to the court, when taxes are illegally collected, they must be returned, subject to limitation periods and to remedial legislation if it is deemed appropriate. The Supreme Court went on to say that respect for the principles set out in the Canadian Constitution was at the core of its decision. In particular, it was observed that the principle of "no taxation without representation" is central to our conception of democracy and the rule of law.

In its report, the standing joint committee fully agrees with this viewpoint, reflecting as it does the fundamental need for Parliament's clear authorization providing for the lawful collection of both fees and taxes.

On motion of Senator Tardif, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of

the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;

4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;
5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.

On motion of Senator Cools, debate adjourned.

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

On motion of Senator Cools, debate adjourned.

The Senate adjourned until April 26, 2007, at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

• VOLUME 143

• NUMBER 90

OFFICIAL REPORT
(HANSARD)

Thursday, April 26, 2007

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, April 26, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

WORLD INTELLECTUAL PROPERTY DAY

Hon. Joseph A. Day: Honourable senators, it is my pleasure to inform you that today is World Intellectual Property Day, an event that is being celebrated in 184 countries around the world. World Intellectual Property Day, an annual event, was established by the World Intellectual Property Organization, a United Nations agency.

The theme of the 2007 celebration, "Encouraging Creativity," was organized by the Intellectual Property Institute of Canada. The institute, which was founded in 1926, is the professional association of patent agents, trademark agents and lawyers practising in the area of intellectual property law. Its membership in Canada totals 1,700.

Intellectual property is a profession that is not well known by the public, but it plays a vital role in the innovation and commercialization process by helping Canadian businesses obtain and protect valuable property rights for their inventiveness in Canada and around the world.

In 2005-06, 40,000 patent applications and 43,000 trademark applications were filed in Canada. In support of encouraging the creativity theme, it is my hope that honourable senators will join me today between 4:30 and 6:30 in room 256-S, just next door, where we will have the opportunity to meet and encourage the young winners of regional science fairs as well as Canada's leaders in the intellectual property law and practice field.

• (1335)

GLOBAL POLIO ERADICATION INITIATIVE

Hon. Mobina S. B. Jaffer: Honourable senators, in 1988, the Global Polio Eradication Initiative undertook the largest public health project on earth ever. Their ambitious goal was to eliminate the worldwide scourge of polio. Since then, 2 billion children have been immunized in over 200 countries by 20 million volunteers.

These efforts reduced the global incidence of polio by 99 per cent. Canada played a large role in helping to get this close to the finish line of total eradication. In total, Canada has contributed nearly \$200 million to this initiative.

There are currently four countries that remain polio endemic — India, Pakistan, Nigeria and Afghanistan. The challenges in these countries are high, as their populations are among the poorest, and in some cases, the hardest to reach.

In 2006, the number of cases reported increased in every single one of these countries. The evidence indicates that, despite the remarkable progress that the Global Polio Eradication Initiative achieved, we are now sliding backwards.

Polio is a highly infectious disease and its effects are devastating and lifelong. It can cause paralysis within hours, and it mainly affects the most vulnerable part of society — children. We cannot allow children to suffer unnecessarily and become paralyzed when prevention is available.

Polio causes mothers to lose their children and children to lose their future. Let me share with you the story of Gulai, a mother from a small village in the Uruzgan province of Afghanistan. Like any mother, her top priority is the health of her children and she wants them immunized; but no vaccinators have visited her village in two years.

There is currently a funding gap of \$60 million for the first half of 2007. This money will allow the GPEI to purchase the vaccines and foster a safe environment for immunizing children.

Honourable senators, polio is a serious global problem, but it can be solved. Now that we are so close, it does not make sense to put on the brakes. A historic opportunity is at our fingertips. This is the time to see this initiative completed.

Canada has humanitarian, economic and global security interests in this issue. Canada should show leadership and commitment by contributing a significant amount to the Global Polio Eradication Initiative.

It is estimated that the savings from eradicating polio worldwide would top \$1 billion annually. Honourable senators, the time to act is now.

[Translation]

CHIEF OF DEFENCE STAFF MILITARY FAMILIES FUND

Hon. Lucie Pépin: Honourable senators, General Hillier recently announced the creation of the Chief of the Defence Staff Military Families Fund. This major initiative was put in place by military personnel to help the people who support them through thick and thin: their spouses and partners.

The Canadian Forces do a lot to support spouses and children. However, existing services do not meet all of their needs, especially in emergency situations. This new fund is flexible. It will enable base commanders partnered with Military Family Resource Centres to respond quickly to families who need help, especially the families of military personnel who have been deployed. This fund will help deal with emergencies quickly. For example, a wife who has to care for her injured husband can get help with the cost of daycare, or with the cost of bringing in a family member to look after the children while she helps her husband recover. In the long term, donations will help the children of soldiers killed in combat attend university and improve their chances of success.

As General Hillier said, this emergency fund was created at the urging of the many military families across the country who have offered financial help.

As proof of their support for military personnel deployed in Afghanistan, Canadians have spontaneously offered cash donations to our forces. So far, over \$100,000 has been collected.

This emergency fund is administered by the Canadian Forces Personnel Support Agency. It will grow through the contributions of private citizens and corporations. Fundraising events have been planned, including a gala next November to be hosted by comedian Rick Mercer, and a golf tournament this summer. I have no doubt that my colleagues here in the Senate will be among the major contributors. This is a very good idea, and I urge you to support it.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of His Excellency Ambassador Gabriele Sardo, Italy's ambassador to Canada. He is accompanying visitors from Italy in the persons of Dr. Massimo Egidi, Rector of *Libera Università Internazionale degli Studi Sociali Guido Carli* — often referred to as LUISS — university in Rome, Ms. Mariasilvia Ciola, Director, International Relations, LUISS, and Ms. Raffaella Angelucci, Director, International Relations, *Libera Università di Lingue e Comunicazioni* — IULM — of Milan.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

• (1340)

THE LATE HONOURABLE JACK WIEBE

Hon. Robert W. Peterson: Honourable senators, I rise to pay tribute to a favourite son and statesman from my home province of Saskatchewan, the Honourable Jack Wiebe, who passed away suddenly last week. Jack had a long and valued history of public service to the province of Saskatchewan and to Canada.

I had the honour to attend his funeral earlier this week and to present the flag that flew at half-mast on the Peace Tower to his wife, Ann, and their family. It was a perfect prairie day with blue skies, soft billowy clouds and a gentle breeze.

It truly was a celebration of life, and what a life it was. Jack Wiebe could walk with royalty and the common person with equal ease. His contribution to public life was extensive. He entered the Saskatchewan Legislative Assembly in 1971 after winning a by-election that resulted from the untimely passing of then Premier Ross Thatcher. He remained in this position until 1978. He then returned to his farm near Herbert at the wish of his constituents. In 1994, he was called upon by then Prime Minister Chrétien to be Lieutenant-Governor of Saskatchewan. This position suited Jack Wiebe to a tee. He loved meeting people and cared deeply about his province. He moved easily among the population and, with his personal touch, he made people feel better about themselves and their province.

[Senator Pélipin]

Jack certainly was not a pretentious person. His aide-de-camp told me how, at the beginning of his term, Jack would continually open the back door of his official car. They eventually broke him of this habit. However, this had its drawback as when he left office in 2000, he jumped into the back seat of his car only to realize that there was no driver. Later that year, he was called to the Senate, where he served until 2004.

My memories of Jack are ones of respect and admiration. He cared very much about people and working with and for them in a constructive and positive manner. Jack was always upbeat and so enthusiastic. Whether it was rain or shine, his trademark expression when asked "How are you doing?" was "Couldn't be better."

He will be missed very much by all of us. To his wife, Ann, and family we offer our profound sympathy at this very difficult time.

Hon. Tommy Banks: Honourable senators, in adding to Senator Peterson's tribute, I want senators to know that the Senate was well represented at Senator Wiebe's funeral. In attendance were Senator Gustafson, Senator Peterson, Senator Fairbairn, former Senator Sparrow and I. More importantly, I want all to know that the very high regard in which Senator Wiebe was held while he was here is more than shared by the people of Saskatchewan. The esteem in which he is held there could not possibly have been exceeded by anyone. Every living former premier of the province, today's Premier Lorne Calvert, every living former lieutenant-governor, Manitoba's Lieutenant-Governor John Harvard, a wide representation from the military and nearly 1,000 people filled that church in Swift Current, Saskatchewan, for the service. It was followed by a 15-gun salute and a full-blown military fly-past. The regard and esteem with which we held Jack Wiebe is more than shared by the people of Saskatchewan and that was in great evidence on that day.

• (1345)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Donna Butt, Member of the Order of Canada, Artistic Director and Executive Producer of Rising Tide Theatre of Newfoundland and Labrador. With Ms. Butt is Kevin Major, award-winning novelist and playwright from Newfoundland and Labrador. They are guests of the Honourable Senator Rompkey.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I would also like to draw your attention the presence in the gallery of Jim Palmer, Vice-President of the Intellectual Property Institute, and other members of the institute.

We extend a welcome to you from the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

MINISTERIAL REPRESENTATIVE ON
ON-RESERVE REAL PROPERTY RIGHTS

REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the ministerial representative on matrimonial real property issues on reserves.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO EXTEND DATE OF FINAL
REPORT ON STUDY ON ISSUES DEALING WITH
INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, notwithstanding the order of the Senate adopted on Tuesday, October 24, 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with interprovincial trade barriers, be empowered to extend the date of presenting its final report from June 29, 2007, to December 31, 2007, and:

That the committee retain until February 15, 2008, all powers necessary to publicize its findings.

STUDY ON FUNDING FOR TREATMENT OF AUTISM

NOTICE OF MOTION FOR ADOPTION OF REPORT
OF HUMAN RIGHTS COMMITTEE AND REQUEST
FOR GOVERNMENT RESPONSE

Hon. Art Eggleton: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Pay Now or Pay Later, Autism Families in Crisis*, tabled in the Senate on March 29, 2007, be adopted, and:

That, pursuant to rule 131(2) the Senate request a complete and detailed response from the government, with the ministers of National Revenue, Intergovernmental Affairs, Health and Finance being identified as ministers responsible for responding to the report.

[Translation]

QUESTION PERIOD

JUSTICE

CRIMINAL CODE—CORPORAL PUNISHMENT
OF CHILDREN—REPEAL OF SECTION 43

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Senate Committee on Human Rights released a report entitled *Children: The Silenced Citizens*, on which it also held a press conference.

I want to congratulate the committee members on both sides of this chamber on their outstanding work and their commitment to defending our children.

• (1350)

In 1991, Canada ratified the United Nations Convention on the Rights of the Child. Since then, the United Nations has twice asked Canada to comply with the convention and eliminate section 43 of the Criminal Code. Unfortunately, this still has not been done.

Prohibited in 18 countries around the world, corporal punishment of children is still allowed in Canada. Denounced by 254 Canadian organizations and two thirds of respondents to a Canada-wide poll, corporal punishment of children must be prohibited and eliminated in Canada.

On page 66 of its report, the committee unanimously calls for the “repeal of section 43 of the Criminal Code”.

Will the Leader of the Government in the Senate pressure the cabinet to abolish section 43 of the Criminal Code and finally restore children’s full rights to physical integrity?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Senate report is to be lauded. I congratulate all senators on the report, in particular the chair of the committee, Senator Andreychuk.

The rights of the child is an issue I have followed for quite some time. At the UN conference in 1989, former Prime Minister Mulroney enlisted the assistance of Senator Landon Pearson. Canada should be very proud of its role in terms of the rights of the child.

Given the wide-ranging recommendations of the committee and since the report was just released today, the honourable senator will understand that my cabinet colleagues and the Prime Minister will want an opportunity to study all of the recommendations of the committee. I am certain that the chair of the committee, Senator Andreychuk, will be pursuing this matter from her position on the government side of the Senate.

[Translation]

Senator Hervieux-Payette: Honourable senators, as a former Minister of State for Youth and the first woman to hold that portfolio in Canada, I have always been dedicated to the cause of children. That is why I introduced Bill S-207, which would abolish section 43 of the Criminal Code, for a second time. This measure simply repeals the section of the Criminal Code that exempts parents from prosecution for using corporal punishment against their children.

Even if the government does not take action immediately, we have to know whether it will carry out the will of Parliament. Will the minister support Bill S-207, which is already before the Standing Senate Committee on Human Rights, and will she encourage her colleagues to do the same?

[English]

Senator LeBreton: Honourable senators, I have not had an opportunity to study the bill in its entirety. I certainly support efforts by everyone to put the protection and safety of children at the forefront of the agenda of the government.

In the recent budget, money was set aside to give the RCMP the resources it needs to investigate trafficking and pornography crimes against children. I would take as notice the honourable senator's request for me to support her bill. I have not had an opportunity to study the implications of it and what it would mean vis-à-vis the other laws of this country.

• (1355)

[Translation]

Senator Hervieux-Payette: Honourable senators, in light of the recent events in Virginia and other attacks against children across Canada — and recently in Quebec in one of the school boards — we have to realize that violence against children will not end until parents stop using violence. A study by Statistics Canada shows that 83 per cent of children who receive corporal punishment are more violent than children who are not punished that way.

Will the minister take into account all these aspects, in addition to the committee report, to ensure that Canada, like the 18 countries that have already legislated on this issue, complies with the Convention on the Rights of the Child?

[English]

Senator LeBreton: Honourable senators, of course, I would do everything possible, not only as a member of the government but also as a member of society, to ensure that the rights of the child are predominant in anything the government does.

FOREIGN AFFAIRS

PASSPORT CANADA—BACKLOG OF APPLICATIONS

Hon. Mobina S. B. Jaffer: My question is to the Leader of the Government in the Senate. In British Columbia, the anger at Passport Canada is growing. The minister is aware that Canadians have been forced to cancel their travel plans and have even lost money spent on family vacations because of the long wait times for passport applications. People are forced to line

up as early as 2 a.m. at the Sinclair Centre passport office if they hope to have a chance of getting their documentation. Line-ups are spiralling out of the building and spilling onto the street.

The new Government of Canada was aware that demand for passports would increase when they took office in January of last year. Since last November, demand for passports has grown by 33 per cent and there is no evidence that anything has been done to ensure the demand would be met.

How long will Canadians have to wait before this matter is resolved?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. There is no doubt that this is a very difficult issue. The government, insofar as Foreign Affairs is concerned, has increased the number of people processing passport applications. There was a huge demand for passports as of January 23, a busy time for air travel. Many people did not believe that the date would be enforced. Unfortunately, the date of enforcement was not in the hands of this government but in the hands of another government.

All I can do is assure honourable senators that every possible measure is being taken. The Minister of Public Safety is trying to resolve some issues with regard to the Canada-U.S. border. This is a difficult situation. Service Canada is also working on this. It is a new agency, as honourable senators know. This is not to excuse the issue, but to simply acknowledge that it is a serious problem, causing great inconvenience and, in some cases, hardship for our citizens, and it is something that the government is working hard to resolve on many fronts.

Senator Jaffer: I realize the Leader of the Government in the Senate has not had notice of this question, so may I ask that she let us know exactly what plans the government is putting in place to deal with this issue. My office is inundated with calls especially from flight crews who are unable to renew their passports. Would the government consider setting up a system to accommodate Canadians who need passports in order to work? Is there a system so that people such as airline crew members might renew their passports in a fast-track manner?

Senator LeBreton: I thank the honourable senator for that excellent question. That is another unfortunate consequence of the backlogs; people requesting simple renewals are also caught in the system. I am sure the office of Senator Jaffer is exactly like all of our offices. We are all in the same situation. I would be happy to ask the Minister of Public Safety, the Minister of Foreign Affairs and the Minister of Human Resources and Social Development, who is in charge of Service Canada, to prepare a definitive and significant explanation as to what measures have been put in place.

• (1400)

BUDGET 2007

INCENTIVE TO PURCHASE ENVIRONMENT FRIENDLY AUTOMOBILES

Hon. Jeremiah S. Grafstein: I have a follow-up question to the Leader of the Government in the Senate arising out of the budget. Earlier I asked the Leader of the Government about whether or

not the Minister of Finance would reconsider the provision in the budget that would provide a greater incentive to consumers to increase the share of a particular automobile sold in North America. She will recall, based on the analysis that had been made, the incentive was only available for one car, and that car was not a model from a company of North American ownership.

Would the Minister of Finance, while he is reconsidering a provision with respect to deductibility which we talked about yesterday, also reconsider expanding and making a more level playing field for both foreign automobile firms and North American automobile firms in order to provide an equality of opportunity for consumers to purchase these energy-efficient automobiles?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I took his earlier question on automobiles as notice, as he knows. I did notice in the newspapers over the weekend that they were grading six cars that were considered hybrids and environmentally friendly.

Of course, the vehicle make the honourable senator mentioned was number one. The second most efficient one that was mentioned in the article was a product built by Ford Motor Company, which was number two. There is still clarification required on the issue in terms of environment friendly vehicles. I would expect some of that provision will become clearer after the announcements today.

As I said to the honourable senator earlier, I will obtain a response in writing for him from the Department of Finance.

Senator Grafstein: I welcome the minister revisiting a position he staunchly put forward in the budget. I welcome the change because it affects jobs throughout Canada.

I should also bring to the Leader of the Government's attention the fallout of what I consider to be an error of factual judgment. That is, for the first time in the history of North America, General Motors is no longer the world leader in the manufacture of automobiles this quarter. It has been exceeded by the same company that was given what I consider to be undue preference in the budget.

The bad news is, in the last quarter that company sold more cars into the North American marketplace than General Motors. Not only was General Motors suffering worldwide, but it was suffering a greater detrimental effect probably because of this budget measure.

I would ask the Leader of the Government in the Senate to carefully look at this question because the mainstay of the industrial strength of my province of Ontario and, to a large extent other provinces, is the automobile industry. We have heard unions and their representatives, Mr. Buzz Hargrove and others, raise similar concerns. Not just the manufacturers are concerned, but also the unions and the people they represent.

I would ask the Leader of the Government to give this provision careful consideration and have ministry officials

carefully review it and provide a better factual base than they did in support of this ill-considered decision in the budget.

Senator LeBreton: The honourable senator continues to put words in my mouth. I did not say the minister would revisit this, I said I would take the honourable senators concerns to his attention.

With regard to the news about Toyota overtaking General Motors, I happen to follow the automotive industry quite closely. I have always had an interest in it. This particular incident has been predicted for well over a year and had absolutely nothing to do with the budget. Senator Grafstein, of all people, should know that in view of his experience in banking.

• (1405)

In fact, when the honourable senator talks about North American-owned automotive companies in Canada, while the big three are going through some difficulty, tell that to people who live in Cambridge or Allison, Ontario, where there are many jobs in the automotive industry.

Just today, Ford Motor Company released their first quarter results, which have shown a marked improvement. They are hoping to get out of their debt in two years. Their automobile sales increased in the first quarter, largely due to automobiles they sold in Europe. We are living in a global economy. If this helps Ford Motor Company and they sell vehicles in Europe, then that is the reality of the global economy, especially in the automotive industry.

Senator Grafstein: I believe, as the Honourable Leader of the Government believes and all members of the Standing Senate Committee on Banking, Trade and Commerce believe that we look at facts as opposed to political rhetoric. I would hope that the Leader of the Government in the Senate would have the ministry officials look at the facts. If I have misstated the facts, I stand to be corrected.

However, based on the anecdotal evidence and other information that we have received, I believe that this trend of allowing foreign-owned international corporations to exceed market share as opposed to North American companies to a large measure will be due, if it is not presently, to this unfair playing field.

I ask the minister to ask the ministry officials, as they did with income deductions, to revisit this question and base decisions on facts, as opposed to political rhetoric.

Senator LeBreton: Honourable senators, it is not political rhetoric. As a matter of fact, it is political rhetoric to blame auto sales in the first quarter of 2007 on a budget that was not delivered until March.

The auto sales of the big three North American car manufacturers actually increased in the first three months of the year. They still have huge production and restructuring problems. I think it would be a stretch to link the sales of vehicles in Canada in the first quarter to the budget. I am not an economist, but I do not believe there is a link.

Having said that, as I did before, I will be happy to make the honourable senator's views known to my colleague, the Minister of Finance, and ask his officials to respond in greater detail to his question.

Senator Grafstein: I welcome the minister's review. Again, we are trying to do this in the interest of the automobile workers in North America, particularly in Canada.

INTERNATIONAL TRADE

FRANCE—BOYCOTT ON SEAL PRODUCTS

Hon. James S. Cowan: Honourable senators, my question is to the Leader of the Government in the Senate. Under pressure from the International Fund for Animal Welfare, the World Society for the Protection of Animals and the Brigitte Bardot Foundation, French President Jacques Chirac recently asked his environment minister to impose a boycott on seal products from Canada. In reply, Canada's International Trade Minister said he might lodge a complaint with the World Trade Organization.

Will the government leader urge her colleague, the International Trade Minister, to do more than "think" about lodging a complaint and do so with the resolve and energy of a government dedicated to protecting the rights of all of its citizens and minorities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question.

There was a very strong response from the Minister of Fisheries and Oceans concerning this issue. As a matter of fact, I am almost tempted to enlist the help of the honourable senator's leader on this particular issue. She has been a great defender of the sealing industry.

• (1410)

I shall ask the Minister of International Trade if he intends to lodge complaints, as the honourable senator suggests.

Senator Cowan: Following Belgium, the first country to impose an embargo, France has joined the Netherlands, Germany, Italy, Croatia and, as we learned today, Austria on the list of countries poised to enforce boycotts against our products. In January of last year, the European Commission voiced its opposition to any and all boycotts.

What concrete and immediate actions will this government take to put a stop to the unilateral decisions made by our European neighbours and end the misinformation peddled by organizations that defend the rights of animals against the rights of Canadians?

Senator LeBreton: The honourable senator asks a very good question — and of course, we deal with such organizations as those referred to in the honourable senator's question. The misinformation is concerning and prevalent.

I shall take the question as notice. I know the Minister of Fisheries and Oceans, who is from Newfoundland and Labrador, has very strong views on this matter. For some Canadian citizen's,

seals are their livelihood. As such, it is frustrating for those Canadians to be subjected to so much misinformation and to have their livelihood targeted in such a way year after year.

I am quite certain there will be a strong position conveyed to the honourable senator from the Canadian government.

THE ENVIRONMENT

ANNOUNCEMENT BY PRIME MINISTER

Hon. Grant Mitchell: Honourable senators, after yesterday's announcement by Minister Lund, Canadians are left to wonder: How many Conservatives does it take to change a light bulb? Of course, it takes one, along with 101 Liberal MPs and 62 Liberal senators and thousands upon thousands of Canadians who had to drag that minister kicking and screaming right up to the socket so he had no choice but to screw that new light bulb in.

Given that it took him 16 months to come up with this idea that has now addressed all of 1.5 per cent of the environment problem, Canadians are left to wonder: While the lights may be on, is anybody at home when it comes to Conservative government policy?

Can the Leader of the Government in the Senate assure us that the big announcement to be made today by the Prime Minister in Toronto will not be filled with weasel words, intensity targets and weak caps, or should I say "light caps," that will mean Canada will not be able to meet the remaining 98.5 per cent of its Kyoto obligations?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. All I can say is just watch. Light will be shone upon the matter this afternoon.

Senator Mitchell: I will be interested to see whether that light has a dimmer on it, and I am pretty sure it will.

PUBLIC WORKS AND GOVERNMENT SERVICES

REPLACEMENT OF INCANDESCENT LIGHT BULBS IN FEDERAL GOVERNMENT BUILDINGS— TENDERING PROCESS

Hon. Grant Mitchell: Can the Leader of the Government in the Senate please ensure us that she will speak to the Minister of Public Works so that when it comes to replacing the millions upon millions of light bulbs in government facilities he will ensure an open, fair and transparent contract tendering process and will not somehow find another separatist or former client to take that contract?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I do not know about the honourable senator's office, but maintenance staff came into my Senate office today and replaced all the light bulbs, which is something I did in my own home quite some time ago.

• (1415)

While watching television today, I found the reports of waste with the old light bulbs quite incredible. I do not know whether the honourable senator shops at Canadian Tire — but I do. There

is a display with a hydro meter, an old 60-watt light bulb and a new bulb. It is quite remarkable to see the difference in the meter readings between the two light bulbs.

As Senator Nolin has said, the lights have been completely out for the last 13 years.

PRIVY COUNCIL OFFICE

POLITICAL REWARDS TO QUEBEC SEPARATISTS

Hon. Yoine Goldstein: Honourable senators, my question is addressed to the Leader of the Government in the Senate. The Bloc Québécois has consistently supported the Conservative government in recent days on the budget, Bill C-16 and many other issues. This de facto Bloc-Conservative coalition government is now being called by many the "Bloc-Con."

Many people in Canada are eminently qualified to conduct an inquiry — judges, former judges, former politicians, wise people, non-political people and others. Yet, Mr. Daniel Paillé was picked to head the inquiry. It is clear to Canadians that the choice of an unrepentant separatist to head the inquiry, at a cost to Canadian taxpayers of \$1 million, is recompense to the Bloc for its support of the government. How many more political rewards to Bloquists and separatists can Canadians expect from this government?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that question was fully answered by my colleague the Minister of Public Works. I could throw back a question about what role Jean Lapierre had in the Martin government, if these are the silly games the honourable senator wants to play.

The fact is that the Minister of Public Works responded to that question. If the honourable senator checks the parliamentary record in the other place, the elected place, he will find that over the last number of years the Bloc Québécois have supported the Liberals on more occasions than they have supported the Conservatives.

Senator Goldstein: Honourable senators, in politics, as in so many other areas, perception is reality. The Leader of the Government in the Senate has read the same editorials and op eds as I have. It is clear that Canadians perceive this appointment as a political reward.

What other ways will be used by the leader's government to continue to buy Bloc support?

Senator LeBreton: The honourable senator is obviously talking about a practice that took place under the previous government, which made such deals and bought support. We are doing no such thing.

Senator Goldstein: Honourable senators, with respect, every time the leader is unable to answer a question, she talks about the former government. Let us understand that it was the former government that gave this country the Charter, medicare and a host of other things that have made Canada probably the most civilized country in the world.

That having been said, let us accept for Question Period, from now on, that the Liberal government has been by far the worst thing that ever happened to Canada. I hope that from here on in, when the leader is asked a question, she will answer it instead of attacking the previous government.

Senator LeBreton: I have not attacked without having been attacked. We have heard a lot of revisionist Liberal history, including the honourable senator's reference to health care.

The fact is that the five principles of the Canada Health Act came out of the Royal Commission on Health Services, also known as the Hall commission, set up by the Right Honourable John G. Diefenbaker, a Conservative Prime Minister of Canada. The Hall commission reported just around the time of the defeat of that government. The Pearson government, rightly and appropriately — and thank goodness they did — picked up the fruit of the labour of Mr. Diefenbaker's government and implemented health care.

Senator Goldstein: Honourable senators, the leader has done exactly the thing that I suggested she should not do. Every time she does this from now on, I will stand to remind her that we want answers to questions and not revisionist history.

Senator LeBreton: I hate to tell the honourable senator this, but I guess he will be on his feet a lot.

• (1420)

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—
DISAGREEMENT WITH SENATE AMENDMENT—
MOTION FOR NON-INSISTENCE
UPON SENATE AMENDMENT

On the Order:

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-16, to amend the Canada Elections Act.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I move that the Senate do not insist on its amendment to Bill C-16, to amend the Canada Elections Act, and that a message be sent to the House of Commons to acquaint that House accordingly.

Hon. Anne C. Cools: Honourable senators, I have a minor point of order. Perhaps before the debate begins, we should ensure that all honourable senators have a copy of the motion before them.

The Hon. the Speaker: Copies will be circulated. The oral tradition is a fine tradition. The motion was read very carefully, quietly and accurately. It is in order to call upon Senator LeBreton to commence the debate.

However, a written copy of the motion will be circulated, as the Honourable Senator Cools has requested.

Senator LeBreton: Honourable senators, in its wisdom, this chamber adopted an amendment to Bill C-16 when it was last before us. That amendment, in essence, provided specific guidance to the Chief Electoral Officer that a conflict between the fixed date of a federal election, proposed under Bill C-16, and the date of a provincial or municipal referendum should be considered as a factor in deciding whether to change the date of the federal election by a day or a week.

Honourable senators, the other place has seen fit to reject this chamber's amendment to Bill C-16. The view of the government was, and is, that the amendment is unnecessary and weakens the original intent of the bill.

Before providing the government's rationale for opposing this amendment, I should like to note that all parties represented in the other place supported the underlying principle of the bill. All parties share the view that elections belong first and foremost to our citizens. All parties agree with the principle that the timing of elections should not be left to the Prime Minister but should be set in advance so that all Canadians will know when the next election will occur.

Honourable senators should also note that the other place passed Bill C-16 in the first instance without amendment. There was a thorough debate both in their chamber and in their Standing Committee on Procedure and House Affairs. Bill C-16 was also considered carefully at second reading on this side by our chamber and subsequently by our Standing Committee on Legal and Constitutional Affairs.

Honourable senators, not a single amendment was proposed by the members of the Standing Senate Committee on Legal and Constitutional Affairs while the bill was before that committee. After detailed study, the committee reported the bill without amendment. Because the amendment before us today was put forward during third reading in the Senate, it has not been subject to the kind of detailed scrutiny that might be expected in our committees generally and by the Standing Senate Committee on Legal and Constitutional Affairs in this instance.

A range of expert witnesses appeared before the House of Commons Standing Committee on Procedure and House Affairs as well as before our own Standing Senate Committee on Legal and Constitutional Affairs. Both committees had an opportunity to give this bill careful and thorough consideration. Neither committee found it necessary to amend Bill C-16.

Despite all of this, the amendment proposed at third reading found favour within this chamber. I cannot say what the conclusion might have been had the amendment been subject to detailed scrutiny in committee.

Before turning back to the amendment itself, I would remind honourable senators that fixed dates for general elections was a platform commitment made during the course of the last election by those of us who now form the government. The other place has, by message, made it clear that they — the members of the elected chamber — are satisfied with this bill without the amendment adopted by this place. Therefore, I shall be asking honourable senators to join with me in supporting the motion that this chamber not insist upon its amendment to Bill C-16.

Touching briefly upon the substance of the amendment itself, I would remind honourable senators that it affects the provision in this bill that allows the Chief Electoral Officer to recommend a change to the polling day in the event of a conflict, such as a provincial election. The provision allows the Chief Electoral Officer to recommend to the Governor-in-Council that the polling date be moved either one day or one week into the future. The provision was designed to provide the Chief Electoral Officer with flexibility to recommend a change on the polling day in the event the day set for the polling day turned out to be unsuitable. The bill was designed to allow the Chief Electoral Officer to exercise his or her judgment, and considerable latitude was given to move the polling day either one or seven days into the future.

The amendment that the other place has rejected would alter the bill to specifically allow the Chief Electoral Officer to recommend a change in the polling day in the event of a federal, provincial or municipal referendum. While the other place did not enunciate reasons for its rejection of the amendment, it seems to me that there are two reasons for doing so.

First, the amendment is unnecessary. The bill already provides the Chief Electoral Officer with the discretion to recommend an alternate day if the day set for polling is not suitable. Specifically, the bill states that if the date — and I quote:

... is not suitable for that purpose, including by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election, the Chief Electoral Officer may choose another day ...

Honourable senators, the bill in its original form provides ample and sufficient flexibility to allow the Chief Electoral Officer to recommend another, later day in the event of a legitimate conflict.

A secondary reason might be that it is inappropriate to explicitly reference municipal referendums as a reason to change the date set for a national general election. The amendment from this chamber could be seen as one that weakens the original proposed legislation, by making the dates of elections more vulnerable to manipulation.

Under the original drafting of the bill, neither the prime minister of the day nor the mayor of a small town could change the fixed date of a general election. Although the change envisaged in the election date is small, this could nevertheless be seen as an opportunity to manipulate the electoral process for partisan purposes. There may be those who will want to interpret the Senate amendment, if we insist upon it, and may well look at what parliamentarians said and did with respect to it. They may conclude that, if something already provided for was made explicit late in the process, it may be because special attention was given to municipal referendums. That is a weight for municipal referendums that would be excessive. What municipal referendum would be so important that it should be used as the rationale for a fixed date of a national federal election being moved?

I will not pursue this further but will simply conclude that it is my view that Bill C-16 can stand on its own and operate fully without the amendment and that we accordingly should not impose further delays in the implementation of Bill C-16 by insisting upon this amendment.

The Hon. the Speaker: Senator Joyal.

Senator Cools: I think I had the floor.

The Hon. the Speaker: I recognized Senator Joyal first.

Senator Cools: If Senator Joyal speaks, I cannot ask Senator LeBreton a question.

The Hon. the Speaker: You have a question for Senator LeBreton?

Senator Cools: You should ask me why I was on my feet first. You made an assumption.

The Hon. the Speaker: Senator Cools, questions and comments.

• (1430)

Senator Cools: In the minister's remarks, she said that elections belong to the people. I wonder how Bill C-16 asserts that fact. Could the honourable senator tell us please?

Senator LeBreton: I thank the honourable senator for the question.

One of the concerns that we encountered as we developed a series of policies on the issue of democratic reform, was the frustration of the Canadian public at the ability of a prime minister, when it was politically advantageous to do so, to call an election at any time for very little reason. We saw an example of that in the 1990s and the early 2000s, when the country was called to three general elections within nine years.

Our government felt it would be more democratic if the Canadian public were not subjected to these elections at the whim of a prime minister who happened to be leading significantly in the public opinion polls. Conversely, we felt it to be much fairer to have set election dates to stop a prime minister from calling an election when the opposition is obviously weak or unprepared to go to the polls. We felt that fixed election dates would take this power away from the prime minister and hand to the people.

Senator Cools: I think the Leader of the Government misunderstood my question. I was looking for the legal and constitutional basis on which she was making her statement. What I have heard is support but no argument — a great deal of support for the initiative but no arguments whatsoever.

Perhaps I can try to put the question another way.

If elections belong to the people, as they do, the notion is that the people have an entitlement to an election at any time as the political circumstances so determine. That is the nature, honourable senators, of the writs that are issued by Her Majesty's representative. They are those proclamations, those orders inviting — even ordering — the population to exercise their franchise to tell Her Majesty what their wishes are about representation.

I will try the question another way. If the notion of responsible government, which is a foundational principle, is that the Queen's subject has an entitlement to be able to remove a despotic or bad government any day of the week, how does a fixed election accomplish that purpose?

Senator LeBreton: The fixed election date in no way takes away that ability in a minority Parliament for the opposition parties; in fact, it does not take it away with a fixed election date. If a majority of the members of the House of Commons determine that the government of the day is deserving of defeat, they have the capacity to defeat the government.

I would be happy to obtain and provide the honourable senator with a copy of the legal background behind this bill. Fixed election dates every four years would solve the problems this country has experience in the last three decades —

Senator Cools: We all know that.

Senator LeBreton: If the honourable senator would like me to answer her question, I will be happy to try.

Senator Cools: I would love for the Leader of the Government to answer the question.

Senator LeBreton: I am trying to do that. We have had elections; some of the terms have gone on to the full five years. Some governments have been defeated, of course, and some governments have called elections when they have been in a minority position themselves — such as the election in 1965 when the government was in a minority position and they called an election, trying to get a majority. We have had many different scenarios whereby elections have been held in this country.

This is an effort by the government, in keeping with the commitments we made in the campaign under the democratic reform heading, of providing an opportunity whereby people are not sent to the polls at the whim of the Prime Minister in a majority situation simply because the polls or the political circumstances are enticing. Therefore, it is a power that the Prime Minister will relinquish; and there has been broad support for these efforts.

As I have said, if the honourable senator is looking for a very strict legal and constitutional explanation, I will be happy to try to provide it for her.

Senator Cools: I must say, colleagues, these answers are quite often extremely frustrating. Let me try one more time.

Honourable senators, the honourable leader has said it many times — is that the Prime Minister calls the election. My understanding has always been that prime ministers do not call elections and that one of the major problems of the era has been that prime ministers in practice, and now in legal terms, have been moving themselves to be centre of the Constitution.

Perhaps the honourable leader could tell me whether it is true that in our system prime ministers do not call elections. In fact, the Prime Minister surrenders nothing in determining a fixed election because all he creates is certainty for the government and for members of Parliament.

The uncertainty is what is the public's right and that uncertainty is the foundational principle of responsible government. It was thought that never again in the British system should human beings who felt oppressed have to take to arms. Could the honourable senator try again to explain to me how on earth a fixed election upholds the rights of the citizens of this country?

Some Hon. Senators: Hear, hear.

Senator LeBreton: Of course, the Prime Minister is the person who determines when his party would like to have an election. Once they have made that decision they go to the Governor General.

Senator Cools: No, he does not. It is the Governor General.

Senator LeBreton: They go to the Governor General and request dissolution of the House. We have examples when the Governor General has overridden the wish of the Prime Minister.

I take what the honourable senator says very seriously. I happen to be of a different opinion. I believe this bill is in the interests of the Canadian public and I think it is supported by Canadians. Both Ontario and British Columbia have initiated this practice.

The honourable senator has a view about it. I understand some similar views were very succinctly expressed in committee.

Senator Cools: Not by me, I do not go to those committees. Do not talk to me about the committees. The honourable senator has made sure that I do not serve on committees, so it is a bad joke. What she is saying is a very bad joke.

Senator LeBreton: Actually, I did not make any reference to the honourable senator in the committee.

Senator Cools: The Leader of the Government said everything was raised in the committee. It is a bad joke with me.

Senator LeBreton: I said that I understand these issues were raised in committee. I made no reference to the honourable senator specifically. I understand from the people that attended these committees that this particular constitutional element of this bill was fully debated.

Today, I am simply speaking to the amendment that was submitted by this chamber and returned over to the House of Commons, and which the House of Commons now has returned to us with the specific request that this amendment not be accepted.

• (1440)

Senator Cools: Perhaps His Honour could provide some clarification on this minor point. I was under the impression that bills are not returned to the Senate and that only messages moved back and forth between the houses. I notice that the word "return" was used in the April 25, 2007, *Journals of the Senate* at page 1378. It says: "A message was received from the House of Commons to return Bill C-16, An Act to amend the Canada Election's Act." There is something very wrong with that because the bill is not back in this place.

Excuse me, Mr. Robert is being distracting. In his duties as a clerk at the table he distracts the proceedings all the time. I am sure His Honour, the Speaker, can handle this without Mr. Robert distracting us by prompting His Honour so publicly. Mr. Robert does it all the time. It is very distracting. Your Honour, when senators are trying to speak with you or to

raise important issues and the table officers are running to tell you how to respond or what to do. It is very distracting.

In any event, honourable senators, there is something very wrong with this procedure. It is my understanding that what should be before the Senate for its consideration is the message, not the bill.

I would like clarification on the consideration that is before the Senate. What are we considering, anyway, honourable senators? Perhaps His Honour could tell us. It should not be up to His Honour to tell us, come to think of it; it should be the Leader of the Government because she is responsible for government business here.

The Hon. the Speaker: Honourable senators, I understand that a point of order is being raised. Prior to the last intervention of Senator Cools, who raises an important question, we were on questions and comments on the address of Senator LeBreton. A number of honourable senators would like to comment and ask questions. The time for the Leader of the Government in the Senate is unlimited, but it often happens that after senators speak, they can decide to receive questions and comments and how many and for how long.

Senator Cools: I was hoping that the matter could be clarified without my raising a point of order.

The Hon. the Speaker: The rubric of that clarification and the ruling of the Chair is that the wording "... message has been received from the House of Commons..." in yesterday's *Debates of the Senate* and on the order today is proper and correct. The message is properly before the Senate; the motion that has been moved is properly before the Senate; and the current debate on the item is properly before the Senate. That is my ruling on the matter.

Resuming the debate, questions and comments.

Hon. Wilfred P. Moore: I was interested in the remarks of the Leader of the Government in the Senate in respect of her party's campaign platform in the last election. They received 36 per cent of the support of Canadians so 64 per cent of Canadians did not support this. This is a fundamental change in our Westminster parliamentary system. How does she justify what she is trying to do?

Senator LeBreton: I thank the honourable senator for his question. This subject was part of our election platform. I simply put that in as a commitment made by our party. When the bill was before committee in the other place, it received much debate. However, the message received from the other place in regard to the bill, as amended in the Senate, has received the support of the majority of the members, no matter what their political stripe in the House of Commons. Thus, it is no longer an issue. I simply said that it was an election promise made by the Conservative Party that were we to form the government, we would put that before Parliament, and the government has done so.

Many things were brought in by the previous government when they won the election with 37 per cent of the vote. This is an argument that could continue without successful conclusion. Honourable senators are currently dealing with Bill C-16, which was fully debated in the other place; it went to committee in the

other place; it came to the Senate; received second reading; was referred to committee where it passed without amendment; came to the Senate for third reading debate; there was an amendment; the motion in amendment was debated; there was a vote on the motion in amendment, which this side voted against; the other side voted in favour of the amendment; and that caused the bill to go back to the House of Commons.

The issue before honourable senators is the message from the House of Commons returning the bill to the Senate, rejecting the amendment of Senator Joyal that was supported by a vote in this place at third reading. This is no longer an issue of percentages in the vote; it is a piece of proposed legislation that has been tabled before Parliament.

[Translation]

Hon. Jean Lapointe: Honourable senators, I want to thank the Hon. the Speaker. Senator Moore has said more or less what I said, but much more eloquently than I could.

[English]

Hon. Jerahmiel S. Grafstein: Honourable senators, my brief comment is for the Leader of the Government in the Senate. The arguments evinced by some spokesmen on behalf of the government that the Senate is blocking the popular view of Parliament are neither factual nor correct. If the leader will recall, I and others on this side, and some of her colleagues, are concerned with the question of the Constitution. The issue is the Constitution. The Constitution is not complicated. I will put it to her again: Section 50 of the Constitution Act, 1867 to 1982, which has been with us for a long time, states:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

Senator Joyal pointed out to me, and I recall, that section 3 at page 59 of the Charter, which is a schedule to the Constitution Act, states:

Every citizen has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Section 4.(1) states:

No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members.

Section 4.(2) allows an extension for extraordinary circumstances of two-thirds of the members of the House of Commons, which could occur during times of war or emergencies. Section 5 states:

There shall be a sitting of Parliament and of each legislature at least once every twelve months.

The historic basis of those provisions would be useful to study should this item be referred again to committee. I commend Senator Cools for bringing this to the attention of honourable

senators. Essentially, this was to prevent power in the hands of the Crown from being exerted for a lengthy period of time. It left the change in the makeup to the will of Parliament at a time on questions of confidence without any other restrictions and in order to keep Parliament more sensitive to the will of the Public.

• (1450)

It is interesting to me — and this brings me to my question — that the Reform Party has stood for recall of members between elections if they fail to their mandate. How is this position consistent with the Reform tradition of even earlier recall of individual members and Parliament if it fails to meet the view and the opinions of the public?

There are two questions: First, the constitutionality, and second, the inconsistency between Reform rhetoric and Reform action.

Senator Segal: Is that a question for Premier McGuinty as well?

Senator LeBreton: I appreciate the honourable senator's constitutional lesson, and I take note of it. Senator Grafstein's comment about a policy of the former Reform Party is not even relevant to this debate. The Conservative Party, in a large policy convention held in Montreal in March 2005, rejected recall. It has nothing to do with Bill C-16.

In terms of constitutionality, I wish to remind the honourable senator that the principle of this bill was supported by all parties in the other place.

Senator Grafstein: This chamber knows, and I can draw at least half a dozen examples, that the house passes bills that are unconstitutional. The extradition bill was declared by the Supreme Court of Canada to be unconstitutional.

An Hon. Senator: The Pearson airport bill.

Senator Grafstein: I am not sure about the Pearson airport bill, but that might be the question, too.

The fact is that the mandate of this house, this chamber, amongst other mandates, is to ensure that the Constitution of Canada is upheld on behalf of the regions and the minorities of this country. Therefore, I think we are a chamber of not only second sober thought but also constitutional protection. I would urge the government leader, as a member of this chamber, to give us the benefit of constitutional views about this, because there is a serious question of constitutionality of this bill.

Senator LeBreton: I hasten to add that this bill was before this chamber. It went to the Standing Senate Committee on Legal and Constitutional Affairs and was studied there. The bill came back from that committee unamended. Bill C-16 was amended here on third reading. Following discussion in this place, the bill as amended was voted on. Our side voted against the amendment, and your side voted for it. The bill as amended went back to the House of Commons. They have now rejected the amendment.

The honourable senator talks about the Senate having to deal with legislation from the House of Commons. I wish to give the honourable senator a bit of a history lesson. When the Senate was first constituted back in 1867, Sir John A. Macdonald, a Conservative Prime Minister, envisaged that the minorities he was wishing to protect were the rich.

An Hon. Senator: That is not true.

Senator LeBreton: It is absolutely true. The place was a chamber of aristocrats, so to speak. I have a direct quote by Sir John A. Macdonald where he actually said that. I would be happy to bring it in. When Sir John A. Macdonald talked about protecting minorities, terms like "mob rule" were used in terms of the House of Commons. We do not want to get into one of those debates. I do not qualify as one of the ones being protected under Sir John A. Macdonald's minorities.

In any event, this bill has been before the House of Commons twice, where it has been supported in principle by all parties. Bill C-16 has now returned here. It is the duty of this place to make a decision on the basis of what the House of Commons has asked.

Senator Grafstein: I never thought, honourable senators, that I would rise in this place to defend Sir John A. Macdonald, but here I am.

To be accurate, and I say that with the greatest of respect, he, amongst other great parliamentarians, was a Father of Confederation and helped to establish our chamber. Therefore, as Senator Goldstein says, we give credit where credit is due. His desk is in my office, so I am respectful of it.

Having said that, the Leader of the Government in the Senate will recall as well that one of the minorities the Senate was set up to protect, in terms of voice and strength, was the Quebec voice, the French voice of this country. Therefore, the government leader's comment about this place being for the rich is not accurate. It is true that Sir John A. Macdonald said that the Senate was to be a chamber of second sober thought, in effect, to cool off the wild, tumultuous public will that might be wrong. This is not a history lesson, but if you want a history lesson I am prepared to give it.

Hon. Tommy Banks: I was trying to figure out how to get at this, but the honourable senator crystallized my question just a moment ago when she said that it is the duty of this place, in light of the fact that this bill was passed by the House of Commons, to approve it.

Senator LeBreton: I did not say that.

Senator Banks: The government leader did say that. In any event, one of the principle arguments that is put forward as to why we ought not to support the present amendment is because it is not supported in the other place. I did not come here, and no one suggested that I should come here, with a duty or obligation of any kind not to vote against the wishes of whatever party happened to be in power in the other place, and members on the other side will know that I have not infrequently voted against the party of which I am a member in the other place and will again.

Does the government leader believe it is the duty of honourable senators in this place to follow sheep-like the votes of their colleagues in the other place? I will not.

Senator LeBreton: I shall have to check the record. I do not know whether I said "duty." I have made a case — you can argue and dispute it if you wish — that the bill as presently worded gives

the Chief Electoral Officer the opportunity to move the date from one to seven days from the fixed date if there is a compelling reason, religious or cultural, or by reason of a provincial or municipal election. I believe that Senator Joyal's motion moves it down to the municipal level, and I also believe that that provides an opportunity for the Prime Minister of the day to manipulate the date based on municipal referendums. There could be any number of reasons given.

The bill as constructed is adequate. It gives the Chief Electoral Officer adequate opportunity to slightly move the fixed date of the election. That is my opinion. Other honourable senators may have other opinions. I have simply put on the record and on the floor of the Senate my reasons for thinking that the wishes of the House of Commons and its message to the Senate are warranted and warrant support. That is all I can say.

Hon. Gerry St. Germain: My question is to Leader of the Government in the Senate as well. My understanding is that the Province of British Columbia, my province, as well as the Province of Ontario now have fixed dates. They are guided by the same Constitution. Constitutionally, were there any questions brought up during the debate? My understanding is one amendment came forward from one of our more learned senators on constitutional affairs. He proposed the amendment based on the fact that mischievous behaviour by certain segments of our society could conceivably call a referendum or do certain things on a certain date, and that is why this amendment came forward.

• (1500)

As far as the constitutional aspect that is being debated now, it all of a sudden comes out of the woodwork. I am not part of this committee, but I think Canadians should know whether this issue was really brought up and why, if it was unconstitutional, the other side that controls the majority allowed it to proceed with one amendment.

More important, from my understanding, the Chief Electoral Officer has the flexibility of setting a date to make the proper adjustment if mischievous behaviour or whatever else takes place in the country. However, the constitutional aspect seems to be arising at this stage when the bill was passed with perhaps not a minor amendment but a thoughtful one that our side believes is being handled by way of the Chief Electoral Officer.

Could the leader respond to those concerns?

Senator LeBreton: Yes, the honourable senator is right; in British Columbia and Ontario there are fixed election dates that are deemed to be constitutional. I was not at the committee meetings. I am told that at the committee in the other place and the committee here these constitutional aspects of the bill were debated.

I believe this bill was first brought before Parliament in the other place in October. Between the two chambers it has been in Parliament for over six months now. In the bill there was a provision that there be a fixed election date, but the Chief Electoral Officer could move the election date from one to seven days if there was a specific event, such as a provincial election perhaps or a religious holiday upon which the Chief Electoral Officer deemed inappropriate to hold a federal election.

In terms of the amendment of Senator Joyal on third reading — and I read the comments this morning about the separatist explanation — the fact is that nothing should get in the way of a fixed federal election date unless it is a provincial election or a religious holiday. This is a federal general election fixed date we are talking about here.

In the preparation for the bill, as I indicated to other senators, I would be happy to go back to the Minister of Justice and provide some of the arguments that were provided to him and to the government as to why this is constitutional, and why giving the Chief Electoral Officer the flexibility of one to seven days more than sufficiently addressed the concerns that the date may have to be moved for a particular reason.

With regard to Senator Joyal's amendment, the bill went through our committee. The amendment was before the Senate. It passed and went over to the other place. They received it on the Wednesday before the Easter break and then they addressed the matter as soon as they returned. All parties support the bill in principle. The House of Commons sent us a message saying that they do not support the amendment and this is the situation we are in now.

The honourable senator is quite right with respect to the advice we received. There will be an election in Ontario and one in B.C. on those fixed dates. I have not seen people out in the streets waving placards declaring that the process is unconstitutional. I simply put forward a position on behalf of the government and I believe it is now back on the floor of the Senate and it will be up to senators to decide whether to send yet another message back. However, it is important to point out that the Senate has a certain tradition of respecting the wishes and the will of the elected Parliament.

Hon. Consiglio Di Nino: Honourable senators, I too would like to ask a question of the Leader of the Government in the Senate with regard to the questions raised.

The committee heard convincing evidence in regard to the constitutionality of this bill by a number of experts in the field. It also dealt with the issue of the opportunity for the Chief Electoral Officer to recommend to the government a change in date. In my opinion, the bill was crafted in a way to provide maximum discretion to the Chief Electoral Officer to recommend if the date is not suitable. The word "including" is where the amendment was added.

As to the two issues that have been raised, at least as I recollect the discussions, they were both dealt with extensively, particularly as to the constitutionality of this particular issue.

In posing my question to the Leader of the Government in the Senate I will first make her aware, if she is not already, of a comment made by the Honourable Ralph Goodale in the other place when asking a question there. He talks about Bill C-16, and part of his question is to the government House leader in the other place:

I wonder if the government House leader would give us the assurance that the unelected Conservative senators in the other place will not delay this bill.

My question to the Leader of the Government in the Senate is: We are talking about a bill of electing the House of Commons. This is not a bill about electing the Senate. This bill speaks to electing members of the House of Commons. The House of Commons, on the first occasion, conducted a full, detailed analysis of the bill, including all the questions that had been raised in this chamber. The second time around they had the opportunity to reflect not only on their work, but also on the work done by this chamber which, in effect, agreed to the constitutionality and the principle of the bill. That means that other than an amendment made by one of our members, the bill was accepted by this chamber.

Would the leader not agree with me that this bill relates to the election of members of the other place? Having had the opportunity to be seen by the other place, ourselves, and again by the other place, should that not now give us some comfort that we should be speedily moving to try to resolve this issue?

Senator LeBreton: Honourable senators, Senator Di Nino has described the strange events as they took place. As he knows, this bill was before the House of Commons in the fall. It came over here, I believe, in November. It went to committee in December and then came back some time in February. It sat on the Order Paper here because Senator Joyal indicated he wanted to move an amendment.

• (1510)

It finally got through here. Senator Joyal moved an amendment. You take one day to study the amendment. We have a vote on it. This side is defeated because we did not support the amendment.

We sent it back over to the House of Commons on Wednesday night and it arrived back there on Thursday. That happened to be the last day we sat before the Easter break. That Thursday we had Royal Assent, and then Ralph Goodale put out a press release accusing us of trying to defeat this bill in order to give the Prime Minister a chance to call an election.

Mr. Goodale was accusing us, the Conservative senators, of stalling the bill when, in fact, it was senators on the other side who were stalling it. It was a rather confusing position of Ralph Goodale but also a very amusing press release accusing us of not putting Bill C-16 through, and accusing us of not wanting it to go through because we wanted to have the opportunity to call an election at any time.

In any event, just to assure the honourable senator, we are very intent and interested in getting this piece of legislation passed. He is quite right, it is in connection with fixed election dates for electing members to the House of Commons.

I put on the record today my arguments to support the message from the House and not to support the amendment as proposed by Senator Joyal before it went over to the House. That is all I can say at the moment.

Honourable senators, I have made my position very clear in not only my answers to the questions but also in my remarks. If it pleases Your Honour, I think that will be the last question I will take.

Hon. Serge Joyal: Honourable senators, I would like to thank the Leader of the Government in the Senate for presentation of the message and comments on the government side in this chamber on the message of the House of Commons. It intends to address the criticism or analysis of the amendment, and it was derived from Senate-bashing.

While in the other place, when the Leader of the Government in the House of Commons commented on the bill amended by the Senate, there was, of course, a little bit of Senate bashing. Why? It was because, of course, we are unelected. It is easy. We have heard that repeated a hundred times.

I refer the honourable senators on the other side to the debates of the other place on April 23, 2007, pages 8521, 8522 and 8523 of the answer. They will be, as we say in French, édifié. They will be certainly impressed by the level of criticism this chamber receives when we exercise our constitutional duty on a bill pertaining to the Canada Elections Act.

This bill, as you will notice, is entitled "An Act to amend the Canada Elections Act." There is a presumption on the other side, and sometimes in some senator's minds, that if the Senate dares to do anything with the Canada Elections Act that comes from the other place, we are accused of a crime of *lèse-majesté* or *lèse-démocratie*.

Honourable senators, there are ample examples wherein this chamber has intervened in debates on amendments to the Canada Elections Act that have improved the act in two areas. The first is on regional interests. Three years ago, we dealt with amendments with regard to the criteria followed by those commissions that revised the boundaries, to ensure that in French-speaking minority communities the geographical reality and the community be taken into account. This chamber revised those criteria and made recommendations to the Chief Electoral Officer.

There are other instances. I recall Senator Nolin participating in the Standing Senate Committee on Legal and Constitutional Affairs when we debated the status of minority parties. We warned the other place that the sections of the Canada Elections Act that did not properly recognize minority party status would be struck down by the Supreme Court of Canada. Of course, that is what happened in the famous *Figueroa* case. The house gave the signal to the other place that the Canada Elections Act did not properly respect the Charter of Rights and Freedoms. Our friend Senator Segal invites us to look into that when we approach legislation or when we are charged to review legislation.

There is, of course, another aspect of our duty in relation to the Canada Elections Act, which is its constitutional implication. There is no doubt it is part of our duty. They may not like it when we try to apply our experience, because many of us have been elected or have been involved in the electoral process. There is no doubt that when we apply our experience it is very helpful in improving legislation. I resist those arguments that each time a bill comes from the other place we cannot apply our best judgment in our review and bring sober second thought to it.

Honourable senators, as a preamble to my approach to this bill, I want to mention to you that there is absolutely no basis for refusing an amendment because it has been introduced at third

reading. It has been repeated in the other place and in this place today that of course the amendment was not considered at the committee stage; therefore, the amendment is not proper; it has not been debated, and it has not been given proper consideration.

Let me remind you, honourable senators, that the standing order of the Senate, rule 77, is clear. "At any time before a bill is passed a Senator may move for the reconsideration of any clause thereof already carried."

It is not uncommon for a bill that has not been amended in committee to be amended at third reading. We always have the choice to amend at either committee stage or third reading.

I contend the suggestion that an amendment is less receivable because it is amended at third reading. That argument does not fly with me.

The second argument was put forward by the Leader of the Government in the other place. I quote what he said at page 8524 of the Hansard of April 23, 2007:

It was not a suggestion from witnesses at one of the committees or a decision of one of the committees that led to this change. It was from one senator who thought he would raise it at third reading, at the eleventh hour, as another way to stall this bill and to stall any form of democratic reform. This is the real Liberal Party agenda.

I turn from the partisan comment and stick to the arguments. It was not a suggestion from witnesses. That is the key element. In other words, the issue came new at the eleventh hour; when I made the amendment in this chamber, nobody had heard of it. That is untrue. I repeat: This is false. This is misleading the other place and this place.

The proof, honourable senators, is in the minutes of the Standing Senate Committee on Legal and Constitutional Affairs, January 31, 2007, where the Chief Electoral Officer of Canada testified. I quote at page 14 of 25 of his testimony. Let me quote Mr. Kingsley in answer to a question from me, as a permanent member of that committee for 10 years.

• (1520)

Mr. Kingsley, in answer to my question of whether the referendum issue was covered in the bill, said:

You are correct when you say the bill will not allow the Chief Electoral Officer to recommend postponing a general election because of a scheduled provincial referendum. There is no question about that.

Do I need to repeat, honourable senators? The Chief Electoral Officer responded clearly to the suggestion that this bill, as drafted, does not cover a provincial referendum. It could not be clearer, printed in black and white, than his answer on January 31, 2007.

I asked a similar question of Mr. John Hollins, the Chief Electoral Officer of Ontario, who appeared two weeks later, February 14, 2007, at the following meeting of the Standing Senate Committee on Legal and Constitutional Affairs. Essentially, the argument put forward was exactly the one put

forward by the government leader, respectfully, that the drafting of the bill included the referendum on the basis of the following words of the text. Proposed new section 56.2(1) of the Canada Elections Act, — which Bill C-16 amends, reads — and I quote:

If the Chief Electoral Officer is of the opinion that a Monday that would otherwise be polling day under subsection 56.1(2) is not suitable for that purpose . . .

I repeat: “If the Chief Electoral Officer is of the opinion” that a particular date is not suitable for the purpose of holding an election — and what are those reasons? Those reasons include — and I quote:

. . . by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election . . .

The contention is that it is included in that list of religious, cultural, or municipal or provincial elections.

Therefore, I asked Mr. Hollins from Ontario his interpretation of that proposed section, because Ontario has the same section. I put the question to him: “Does that include referendums?” His answer was to me was the following:

I am always wary of “suitable purpose.” Any time I am given legislation and the people giving it to me have not defined what the terms mean, I am not sure exactly what their thought processes are. In this case, who is going to make that determination? We dealt with that in our discussions.

In other words, honourable senators, Mr. Hollins’ own interpretation of his own legislation does not include the referendum under “suitable purpose.”

Honourable senators, it is essentially on those two testimonies that I thought it advisable to come forward with an amendment. I did not invent the amendment at the eleventh hour when we reported the bill at third reading here. It was already stated by the expert witnesses we heard concerning the matter of managing elections in Canada. To say that we have improvised that argument does not hold water.

In addition to that, when I posed the question to the Chief Electoral Officer, I said that I thought it was an important issue to clear up because we in Quebec — and this is stated in the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs. My honourable colleague and friend, Senator Di Nino, was in attendance at that time. I said that we in Quebec have had the experience of provincial referenda more often than others. We know that sometimes one might want an election and a referendum to overlap, for all kinds of political reasons. I do not need to provide examples of previous decisions of that nature. Therefore, I thought it advisable that we amend the bill to include the context of a referendum.

The other argument put forward in the other place — and I quote the wording used — is this: “This amendment creates more opportunities for fixed election dates to be cancelled.”

In my opinion, those in the other place do not understand the mechanics of the bill. The bill functions in the following way: If the Chief Electoral Officer is of the opinion that an election date is

in conflict with a provincial election or a day of cultural or religious significance, or a municipal election — it is in the bill — what options does he have? He does not postpone or cancel the election. Rather — and I quote from the bill:

. . . the Chief Electoral Officer . . . shall recommend to the Governor in Council that polling date be that other day.

Therefore, the Chief Electoral Officer does not decide himself. To whom does he recommend? He recommends to the Governor-in-Council. Proposed new section 56.2(3) reads as follows:

If the Governor in Council accepts the recommendation, the Chief Electoral Officer shall make an order to that effect.

How long will the election be postponed? The answer is found in 56.2(4):

. . . either the Tuesday immediately following the Monday that would otherwise be polling day —

Honourable senators, 24 hours.

— or the Monday of the following week.

In other words, honourable senators, in a week’s time.

Honourable senators, we are not talking about cancelling an election. We are giving the Chief Electoral Officer the capacity to reassess the situation if there is a provincial or municipal referendum.

It has been said in the other place that a municipality of 400 citizens could call a referendum and that that would trigger the cancellation of a national election. I think, honourable senators, as Talleyrand has said, everything that is exaggerated becomes meaningless. It is as true for a municipal election of 1,100 citizens because municipal elections are already covered in this bill.

Honourable senators, I would ask leave for another five minutes.

The Hon. the Speaker: Is leave granted for an extra five minutes?

Hon. Senators: Agreed.

Senator Joyal: In other words, what is good for a municipal election of 400 citizens is not good for 400 citizens asking for a referendum. Why? Because the Chief Electoral Officer is the one to make the decision and the recommendation.

In conclusion, if you do not trust the judgment of the Chief Electoral Officer on a municipal referendum, why would you trust the judgment of the Chief Electoral Officer on a municipal election of the same size? It is ludicrous. This argument does not hold water either.

Honourable senators, what exactly is the purpose of this bill? I come back to my conclusion on this.

In the other place, the amendment was supported by the NDP. I want to quote two members from the NDP party, Mr. Dewar being one of them. I shall provide the other NDP member’s name,

so I do not mispronounce her name. The amendment was supported by Paul Dewar, from Ottawa Centre, and the other NDP member. They essentially said: What are we doing here? We are in fact trying to understand the unintended consequences of a bill that might be well-intentioned but might not be sufficient to address a difficult political situation. They provide the examples of the referendum in Quebec. I will quote, honourable senators, what Paul Dewar said on this very amendment. He said, on April 23 — and I quote:

• (1530)

It is reasonable for the chief electoral officer to look at the election date and, if he or she sees a conflict, he or she may decide that we should not have a federal election on the same date as, for example, a referendum in Quebec on something as potent as whether Quebec remains in the federation. That is an example of why we should look at this.

This amendment would not change the spirit of the bill. It is simply a what-if scenario. As I have already mentioned and underlined, it would give the chief electoral officer an option.

That is what we are talking about with this amendment, honourable senators. We are not gutting the bill. We are trying to make sure that the scope of the bill is maintained, that the process follows the way it is stated in the bill and that we come to a conclusion where the bill covers the most difficult political situation when the Chief Electoral Officer may have to exercise his or her judgment.

The same Chief Electoral Officer will have to decide if a cultural date is of enough significance to recommend the postponement of a national election. A cultural date is not defined in the bill, but a provincial referendum is not included in the bill, according to the Chief Electoral Officer. It seems to me that we must be sure that we keep in the right balance the scope of the exercise of the judgment by the Chief Electoral Officer. If we trust the Chief Electoral Officer to be able to evaluate if a religious day or a cultural day in Canada is of such importance that the national election should be postponed for 24 hours or a week, I think we can trust the same Chief Electoral Officer to decide if a referendum at the provincial or municipal level is of such importance that it should trigger a similar postponement. That is essentially what we are talking about here.

Honourable senators, this bill seems to be well intentioned, and I do not dispute that. I have strong reservations on its constitutional impact. I stated those reservations when I addressed this chamber at second reading; I stand by those comments. I thought that addressing the very specific amendments we have under consideration today, what I have given you as an argument, is sufficient to give pause and let you think over the weekend what it is about and what we should do with the message received from the House of Commons.

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, I am sorry, but Senator Joyal's time has expired, unless the honourable senators grant him leave to answer one or two questions. Is leave granted?

[Senator Joyal]

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Leave is not granted.

[English]

Senator Cools: My understanding, of the ruling of a couple of days ago by the Speaker was to encourage members of the Senate, when seeking an extension of time, to articulate the amount of time they want, or anticipating questions that the Senate may require.

I am trying to say, honourable senators, that some time ago when Senator Joyal wanted an extension, I do not believe he requested five minutes. I believe someone else said five minutes.

My understanding is that the way and direction we wish this house to move in, is for each and every member to be involved in the administration and forward movement of the business of the house.

It seems to me, honourable senators, that perhaps Senator Joyal should have been allowed to ask for time. I believe Senator Pierre Claude Nolin wanted to ask a question, and so did I. That request should not be amended by somebody else.

The Hon. the Speaker pro tempore: The honourable senator is right. The main point is that, in the Senate, honourable senators are the masters of the debate. To have extra time one must request permission from the chamber, and permission was not given for more time to Senator Joyal.

Senator Cools: Had permission been asked for originally, it would have been a different matter. What I understood the ruling of a few days ago to be doing was to discourage one person from signalling to the chair to take a certain action and to encourage responsibility of the individual senator to make a request for an appropriate amount of time which would allow that senator to complete his or her remarks, and a few questions to be put. That is the point I am making, Your Honour.

The Hon. the Speaker pro tempore: Continuing debate, because no permission for more time is granted to Senator Joyal.

There is a motion on the floor.

Senator Cools: What motion is on the floor?

Hon. Norman K. Atkins: Honourable senators, I have listened to all the discussion at second reading and what has occurred today. I support Senator Grafstein's comments with regard to the Constitution. I also support Senator Joyal's presentation to this house.

First, the Leader of the Government says that the amendment is unnecessary. Quite frankly, I think the bill is unnecessary.

Some Hon. Senators: Hear, hear!

Senator Cools: An extreme waste of time and money.

Senator Atkins: The fact that Ontario has fixed dates and British Columbia has fixed dates, I say, “so what?” We are talking about the federal government. It is another example of the Americanization of our Canadian parliamentary system. When one talks about democratic reform, this is another way of putting forward a redundant piece of legislation. It is republican reform, not democratic reform.

Some Hon. Senators: Hear, hear!

Senator Atkins: I have been involved in politics for 55 years. I have been involved with Premiers and Prime Ministers, and I have watched them agonize over the timing of elections. Many of the things in this bill that were presented by the Leader of the Government would be irrelevant if the government had that option.

They would not have to worry about whether there is a religious date, because the government would make those considerations. One would not have to worry about the Chief Electoral Officer. Why are we giving them more authority than they really deserve? It is ridiculous, and we are moving in a direction that does not seem to make any sense.

The Constitution provides for a period of five years between elections. How many examples do we have of a government that has gone for five years? I can only think of one, but there may be more.

It seems that governments, if there is a vote of confidence in the House and the government is defeated, then the government goes to the Governor General and a writ is issued. Why are we getting ourselves into a situation of fixed dates and then worrying about whether the date will conflict with an event such as a provincial referendum or a provincial election? If a government and a leader of a government have those options, they can make those decisions; they do not need legislation. I think it is absolutely ridiculous that we are getting into a situation where we have to pass a bill like Bill C-16.

• (1540)

Frankly, I have a significant amount of respect for members of the House of Commons who are elected, but they are not always right. As senators, I think we do have a responsibility to be a chamber of sober second thought.

Some Hon. Senators: Hear, hear!

Hon. Hugh Segal: Honourable senators, I wanted to speak in favour of the motion advanced by the government leader. I wanted to do so, despite the fact that most of what I learned about politics I learned from Senator Atkins, for whom I have the greatest and most profound respect and affection; and despite the fact that I have a very high regard for both the substance and the sincerity of Senator Joyal's concerns as expressed with respect to the amendment.

I want to remind colleagues that the rationale behind the bill before us *ab initio* was the notion of electoral fairness. It may be that, for those who are used to being on the government side for long periods of time, the notion of a prime ministerial prerogative to wander down to see the Governor General and dissolve Parliament whenever the polls seem to be working appropriately

for that particular prime minister is normative. Let me share as respectfully as I can with colleagues that outside this place, outside this building and outside the constraints of how the system has operated in perpetuity, some people think that fixed election dates are actually more democratic.

As we sit here today, the official opposition, led by Stéphane Dion, has the right to know if we are in a majority circumstance — which we are not — and when the next likely date of the election is so as not to have that date sprung on him with 37 days' notice because the prime minister of the day happens to think that is a good thing for his party. That would apply absolutely equally if the present government was sitting in opposition, as it was less than a year and a half ago.

While I do not question the concern, which I think is a legitimate debate as to what we might give as authority to the Chief Electoral Officer, I point out as a matter of record that there was a time when Senator Atkins and I would have said that all kinds of wisdom came from the Ontario legislature — though often ignored and neither embraced nor accepted. In the Ontario legislature, the distinguished premier of that province, who happens to be a member of another party — I do not hold that against him; at least not until October 10 — and his cabinet and his law officers of the Crown rendered a proposition with respect to a fixed election date, building on the experience of, dare I say, another Liberal administration, in the province of British Columbia, that thought they would facilitate a greater sense of democratic fairness by also going to a fixed date.

While I absolutely embrace the notion that sober, second thought allows this upper chamber to discharge its constitutional duty to refine, repair, correct and defend, as necessary, surely we have some modest obligation to respect when the other place has, not on a single-party basis but on a multi-party basis, not once, but twice, asked us to pass this legislation and set aside the amendment that was offered by the other side of this place in good faith, on division.

The larger question, which, as a member of the class of 2005, I might be permitted the temerity of asking, is this: Is there any point, even when honourable senators opposite may genuinely believe, as I am sure they do, that they are right and are defending the public interest, that they are prepared to defer to the democratic legitimacy of our colleagues in the other place?

We do not have, as Senator Joyal has referenced in many of his learned presentations to this chamber in the past, a powers of Parliament act as exists in the British system. Despite the fact that the Lords have the ability to utilize the back of its hand, as it just did, to recommendations of democratization of the Lords. They did so in a relatively short debate. That Powers of Parliament Act defines that, in the end, the elected House of Commons actually has the capacity to make the final decision because it is elected. The question before us, independent of the substance of the amendment and independent of the substance of the bill, is whether there is any will on our part to acquiesce as an upper chamber to the will legitimately expressed on a multi-party basis in the minority House of Commons for our consideration on two separate occasions, namely that the bill now be passed.

Senator Banks: Will the honourable senator accept a question?

Senator Segal: I would be honoured to do so.

Senator Banks: I think the main question before us concerns the matter of the amendment because this house agreed with the bill, as amended. The issue at question here is the amendment of Senator Joyal. I invite the honourable senator's views and comments on that.

Before I do that, I think the answer to his question about a resolution of a conflict is that it depends on the nature of the question. There would be a law against abortion in this country if, in fact, the determination of the House of Commons was the end of discrimination. There would be a bill, which most of us know to have been unwise, on the question of animal cruelty in this place. There would not have been an opportunity for Canadians to go to the polls to vote in an election in which free trade was a question had it not been for the fact that this place — not often, but sometimes — on matters to which it attaches greater importance than others, does not permit always of the determination of the other place to be “the end of the matter.”

There are others here who know far more about that than I and I invite the honourable senator to comment directly on Senator Joyal's amendment to the bill, which is a question because no other part is.

Senator Segal: I think the amendment, while in good faith and well intentioned, is somewhat overwrought. I do not think we have a convention in this country of chief electoral officers and others when given certain powers under the act of acting in any way irresponsibly; it is quite the contrary.

I happen to think there should be some limit to the ability of a referendum in some particular narrow jurisdiction to upset a fixed electoral date decided upon under statute of this place, so I would not be comforted or feel any better about our democratic process should the amendment put forward by my good friend Senator Joyal become a dominant part of the process.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, if I may, I have one question for my honourable colleague.

Senator Cools brought up a question concerning democracy and our citizens' right to vote.

• (1550)

I believe Senator Segal was very involved, a few years ago, in a government's decision to hold a popular referendum on a very important question.

I think it is important to understand that here we are talking about depriving all Canadians of a part of democracy and the right to speak out on certain issues. If next week we were told that there were plans to send our military to Iraq, I sincerely believe that Canadians would want to have their say.

I understand that we are discussing Senator Joyal's amendment, but there are substantive issues that are also very important. It has been assumed that fixed date elections would be more democratic, but I am not really convinced.

Senator Segal: The honourable senator is quite right. I was very proud to be part of a government that proposed a national referendum on the Charlottetown accord. This established

the rather important constitutional principle in Canada, that the Constitution can never be amended without the consent of Canadian voters. This principle was established by Mr. Mulroney and will remain an important principle for Canada.

However, should a bill be passed to set fixed dates for an election campaign and something very important were to come up, for instance, in the event of a war, a constitutional question, or if a government were to propose an essential referendum to Parliament, I have no doubt that in such circumstances, we could do away with the normal election schedule, if it were a matter of national importance. We always have the ability to do so. What is being proposed is a statute, not a constitutional change! It is a statute, a law; Parliament, the Senate, will always have the ability to make changes to legislation. At least this underscores the commitment of the Parliament of Canada to set an established period for all parties, large and small, majority and minority, and all special interest groups, so that everyone is familiar with the rules, so as to advance the cause of democracy. The rules must be maintained in a balanced manner. I believe this electoral balance sought by the government will be achieved.

[English]

Hon. Lorna Milne: Honourable senators, I did not intend to speak in this debate, but I do feel that the record should be set straight for the benefit of Conservative senators on the other side who were not members of the committee at the time and particularly for the benefit of our colleagues at the far end of the hall, the other place. It was quite clear in committee that Senator Joyal intended to introduce an amendment. He needed more time to prepare it. In order to accommodate the Conservative senators on the committee who were concerned that we proceed to clause-by-clause consideration to get this bill back into the Senate chamber, Senator Joyal very kindly agreed to introduce his amendments in the chamber at third reading, not to bring them in at committee. I think that should be very clearly on the record.

Senator Cools: I wonder whether the honourable senator would take a question. The honourable senator knows the deep respect and affection in which I hold him. I would like to preface —

An Hon. Senator: Order!

The Hon. the Speaker: Honourable senators, I believe we are continuing debate.

Senator Cools: I am asking a question as well.

The Hon. the Speaker: Honourable Senator Segal is done.

Senator Cools: This is a joke.

The Hon. the Speaker: Senator Milne has spoken. Senator Cools on debate.

Senator Cools: Who is speaking next? Did you speak? So I can ask you the question?

Okay. Let us rephrase that for a moment.

Honourable senators I would like to put a question to Senator Milne, if she would accept. Wonderful.

Honourable senators, what is before us is not the message from the House of Commons. Before us is a motion from the government that the Senate not insist on the Senate's amendments.

That is a request not from the House of Commons, but from the government. Let us not confuse the two. In this debate, the views of the House of Commons have not yet been entertained or heard. It is often a difficult matter to ascertain the difference between the views of the House of Commons and the views of the government, and I repeat that they are not the same. Senator Milne and I were members of a committee where we dealt with these issues once before.

Honourable senators, the arguments about the democratic and elected nature of the House of Commons are irrelevant to this particular debate. The fact of the matter is that this Senate took a decision by vote of this place. That vote binds all including those senators who are supporters of the government. Let us understand this clearly.

When this Senate took that vote and took that decision, the House of Commons was just as elected as it is now. Nothing has changed with the state of the House of Commons.

What has changed, honourable senators, is the fact that government members are now saying to this Senate: Do reverse your decision; do change your decision. Therefore, honourable senators, let us understand that when a house, any assembly, any court is asked to reverse its own decision, that is a serious matter. Those who ask this house to reverse itself have an onerous burden to show and to prove that the original decision was so insufficient and so inadequate that it should be reversed. All those arguments about the democratic nature, the elected nature of the House of Commons are totally irrelevant. We must consider the substance, depth and nature of the argument being put before us as to why each and every one of us here in the Senate should partake in reversing a Senate decision. That, honourable senators, is what is really before this chamber.

In other words, when a reversal of an opinion is being asked, the onus is a very steep hill to climb, and the onus is on the government to prove by argument, not by sentiment, intimidation or embarrassment, but by reasoned argument as to why the Senate's decision should be reversed.

Therefore, my question to Senator Milne is as follows: Is she satisfied that the mover of the motion has placed sufficient argument before her to cause her to change her mind and to cause her to encourage all senators to reverse a Senate decision?

• (1600)

Senator Milne: Honourable senators, as is quite often the case, Senator Cools is absolutely correct in her arguments. However, I will take under advisement how I will vote on this issue.

Senator Cools: Precisely. That, honourable senators, satisfies the question. We do not need to debate the matter further.

On motion of Senator Tardif, debate adjourned, on division.

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eyton, seconded by the Honourable Senator Keon, for the third reading of Bill C-26, An Act to amend the Criminal Code (criminal interest rate).

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

NATIONAL FINANCE

BUDGET—STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on National Finance (budget—study on fiscal balance), presented in the Senate on April 17, 2007.—(*Honourable Senator Day*)

Hon. Joseph A. Day moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[Translation]

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, that the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.—(*Honourable Senator Corbin*)

Hon. Eymard G. Corbin: Honourable senators, it is true that I took adjournment of the debate. However, I never intended to speak about this matter. The report contains just about everything that I would like to say and I do not wish to needlessly repeat what is in this excellent report.

Therefore, I move that debate be adjourned in the name of the present chair of the Standing Senate Committee on Foreign Affairs and International Trade, the honourable Peter Stollery.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator, Corbin, for Senator Stollery, debate adjourned.

WORLD WAR I

CONTRIBUTION OF ARAB PEOPLES TO ALLIED VICTORY—DEBATE CONTINUED

On the order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- (a) Remembrance Day, November 11, 2006, the 88th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and
- (b) the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders, engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and
- (c) the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Hussein bin Ali, the Emir of Mecca, the Holy City, and his four sons the Emirs, Ali, Abdullah, Feisal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and
- (d) the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors,

from the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejh, Dara and Damascus from the Ottoman Turks; and

- (e) other Arab leaders, including the Emir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Emir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and
- (f) the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our freedom from domination, possible. Lest we forget, we shall remember them.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, after having closely studied this inquiry, I note that I need to do a great deal more research in order to prepare my comments on this matter. I ask to have this matter stand in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 1, 2007, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 1, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, April 26, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|---|-------------------------------------|---------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | 07/03/29 | 7/07 |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | 07/03/29 | 5/07 |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) | (report on subject-matter 06/10/26) | | | | |
| S-5 | An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 06/10/03 | 06/10/31 | (bill 07/02/20 Legal and Constitutional Affairs) | 06/11/09 | 0 | 06/11/23 | 06/12/12 | 8/06 |
| S-6 | An Act to amend the First Nations Land Management Act | 07/04/25 | | | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|---|--|-----------|-------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158 | 06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23 Report adopted 06/12/07 Message from Commons- agree with Senate amendments 06/12/11 | 06/12/12 | 9/06 |
| C-3 | An Act respecting international bridges and tunnels and making a consequential amendment to another Act | 06/06/22 | 06/10/24 | Transport and Communications | 06/12/12 | 3 observations | 06/12/13 | 07/02/01* | 1/07 |
| C-4 | An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | 06/05/09 | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | 06/11/03 | 06/12/12 | 5/06 |
| C-8 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>) | 06/05/04 | 06/05/09 | — | — | — | 06/05/10 | 06/05/11 | 2/06 |
| C-9 | An Act to amend the Criminal Code (conditional sentence of imprisonment) | 06/11/06 | 07/02/27 | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts | 07/03/01 | 07/03/28 | Transport and Communications | | | | | |
| C-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | 07/03/28 | Special Committee on the Anti-terrorism Act | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|---|----------|--------------------------------|--|-----------|-------|
| C-13 | An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/06/06 | 06/06/13 | National Finance | 06/06/20 | 0 | 06/06/22 | 06/06/22* | 4/06 |
| C-15 | An Act to amend the Agricultural Marketing Programs Act | 06/06/06 | 06/06/13 | Agriculture and Forestry | 06/06/15 | 0 | 06/06/20 | 06/06/22* | 3/06 |
| C-16 | An Act to amend the Canada Elections Act | 06/11/06 | 06/11/23 | Legal and Constitutional Affairs | 07/02/15 | 0 + 1 at 3 rd | 07/03/28 Message from Commons disagreeing with Senate amendment 07/04/27 | | |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-18 | An Act to amend certain Acts in relation to DNA identification | 07/03/29 | | | | | | | |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| C-24 | An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence | 06/12/06 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| C-25 | An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act | 06/11/21 | 06/11/28 | Banking, Trade and Commerce | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | 07/02/28 | Banking, Trade and Commerce | 07/04/19 | 0 observations | 07/04/26 | | |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | 07/03/21 | Legal and Constitutional Affairs | | | | | |
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| C-36 | An Act to amend the Canada Pension Plan and the Old Age Security Act | 07/03/20 | 07/04/17 | Banking, Trade and Commerce | 07/04/19 | 0 | | | |
| C-37 | An Act to amend the law governing financial institutions and to provide for related and consequential matters | 07/02/28 | 07/03/21 | Banking, Trade and Commerce | 07/03/29 | 0 | 07/03/29 | 07/03/29 | 6/07 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|------------------------|----------|-------|-----------------|-----------|-------|
| C-38 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 6/06 |
| C-39 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 7/06 |
| C-46 | An Act to provide for the resumption and continuation of railway operations | 07/04/18 | 07/04/18 | Committee of the Whole | 07/04/18 | 0 | 07/04/18 | 07/04/18* | 8/07 |
| C-49 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 3/07 |
| C-50 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 4/07 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|--------|-------|-----------------|------|-------|
| C-252 | An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) | 07/03/22 | 07/04/19 | Social Affairs, Science and Technology | | | | | |
| C-277 | An Act to amend the Criminal Code (luring a child) | 07/03/29 | | | | | | | |
| C-288 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | 07/03/29 | Energy, the Environment and Natural Resources | | | | | |
| C-292 | An Act to implement the Kelowna Accord | 07/03/22 | | | | | | | |
| C-293 | An Act respecting the provision of official development assistance abroad | 07/03/29 | | | | | | | |
| C-294 | An Act to amend the Income Tax Act (sports and recreation programs) | 07/04/17 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|--|---|----------|-------|-----------------|------|-------|
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | 07/04/25 | | |
| S-206 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Legal and Constitutional Affairs | | | | | |
| S-207 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 06/04/05 | 06/12/14 | Human Rights | | | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 06/04/06 | | | | | | | |
| S-209 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 06/04/25 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 06/12/06 | 1 | 06/12/07 | | |
| S-214 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 06/05/17 | 06/10/03 | Social Affairs, Science and Technology | 06/12/14 | 0 | 06/12/14 | | |
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| S-216 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 06/05/30 | 06/12/13 | Aboriginal Peoples | | | | | |
| S-217 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 06/05/30 | 06/10/18 | National Finance | | | | | |

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 91

OFFICIAL REPORT
(HANSARD)

Tuesday, May 1, 2007

—

**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, May 1, 2007

The Senate met at 2 p.m., the Speaker in the chair.

[Translation]

Prayers.

SENATORS' STATEMENTS

HERITAGE

WAR MUSEUM—PLAQUE ON WORLD WAR II ALLIED BOMBING RAIDS ON GERMANY

Hon. Gerry St. Germain: Honourable senators, veterans associations across the country are insulted by the message conveyed on a plaque which is displayed at the Canadian War Museum. These associations include members of the Toronto and Vancouver chapters of the Air Crew Association, the Royal Canadian Legion and the Air Force Association.

The plaque in question hangs in Bomber Command Hall and is entitled "An Enduring Controversy." The plaque describes the Second World War Allied bombing raids on Germany in such a way that the message stops just short of classifying the mission's result as criminal, and questions the morality of the bombing offensive.

Honourable senators, the message that accompanies this particular display is insulting to the integrity of the brave personnel who, in the face of extreme danger, carried out their orders successfully. This mission is said to have been an important turn in the road to Allied victory over the aggression of Nazi Germany, and it should be remembered as such.

These associations, which are directly insulted by the message in question, wrote to the CEO of the Canadian War Museum, Mr. Joe Geurts, to request a meeting in hopes of bringing their issues to a compromise. Mr. Geurts told the veterans that the museum had no intention of correcting the display, and therefore there was no need for a meeting.

Honourable senators, the war museum exists in large part because of the efforts of Canada's veterans and military personnel. To deny such a meeting shows a complete lack of respect to the veterans organizations.

Honourable senators will recall the sincere testimony of the three veterans associations at the April 18 meeting of the Subcommittee on Veterans Affairs. I believe a strong case was made to compel Mr. Geurts to reconsider his decision, and to meet and allow both sides of the dispute to consider all the facts and reach an agreement to settle this matter. I call on the CEO of the Canadian War Museum to reach out to these veterans associations and fix the plaque in question.

Honourable senators, other theatres of action have been put in question but yet not inscribed on a plaque. Why this one?

CITIZENSHIP AND IMMIGRATION

BACKLOG OF FILES

Hon. Grant Mitchell: Honourable senators, Canada is known around the world as a country that offers asylum to people fleeing persecution and seeking a better life. We can all be very proud of that.

However, I am worried about the application backlog. People who have applied for permanent residence in Canada for humanitarian reasons have to wait a very long time for an answer from Immigration. This is not just an administrative problem. It is affecting many people in a very real way.

As an example, I would like to talk about a young woman who recently got in touch with my office. She came to Canada as a refugee from Burundi at the age of 12. Now an adult, she has applied for permanent residence. The Department of Citizenship and Immigration has informed her that she can expect to wait 19 to 20 months before her application is examined, because the immigration services are currently looking at applications filed in 2005. This young woman would like to study at the University of Alberta, but she would have to pay tuition as a foreign student, which she cannot afford. As a result, she cannot start university.

I know that there are many even more striking examples of people who have had to put their lives on hold for too long while they wait for their application to be considered. I also know that our officials are working hard and doing their best to process the applications as carefully and expeditiously as possible. But this is April 2007 and officials are just now looking at applications filed two years ago.

• (1410)

Applicants have to live with a foot in two worlds while waiting for an answer. Canadians also lose out when they are deprived for too long of the contributions that new residents make.

The Government of Canada should look at the average time it takes Canadian immigration services to examine an application, especially one that is made for humanitarian reasons. If necessary, the government should hire additional resources so that Canada can maintain the international reputation it has so richly deserved to date.

[English]

HEALTH

REPORT OF THE TRANS FAT TASK FORCE

Hon. Wilbert J. Keon: Honourable senators, scientific evidence clearly shows that trans fats in our diet increase the incidence of atherosclerotic disease, such as heart attacks and strokes. Trans

fats occur naturally at low levels in ruminant-based foods, such as dairy products and meat, but the far more widespread industrially produced trans fats are the problem.

Last June, the Final Report of the Trans Fat Task Force, co-chaired by the Heart and Stroke Foundation of Canada and Health Canada, was submitted to the Minister of Health. It is a very thorough document that will be helpful to the government.

Concern over the negative effects of trans fats in our diet is not new. Canadian scientists first raised the issue in the late 1970s. In 1990, they recommended that levels of trans fats in the Canadian diet not increase. By the mid-1990s, as the task force tells us, "... researchers estimated that Canadians had one of the highest intakes of trans fats in the world." However, the task force also pointed out, and I quote:

Today, the situation is much improved. Mandatory nutrition labelling and heightened consumer awareness have prompted food manufacturers to reduce or eliminate trans fats from many processed foods sold in grocery stores.

Honourable senators, Canada became the first country in the world to regulate mandatory labelling of trans fats on pre-packaged foods. This, of course, has led many companies to work toward reducing trans fat levels in their products. Education and increased awareness are also playing a key role. According to the task force, the percentage of Canadians who are aware of the dangers of trans fats has risen from 45 per cent in 1988 to 79 per cent in 2005.

The issue of trans fats was also raised in the other place during its recent study on childhood obesity. Health Canada has been working with other federal departments and agencies to determine how best to address the problem. Of course, more needs to be done. It might be helpful for us to look closely at the example of Denmark provided by the task force. The following represent some of the lessons learned: There was no change in the taste, price or availability of foods that once contained high amounts of industrially produced trans fats; it was only after regulations were imposed that the Danes virtually eliminated trans fats from their food supply; multi-national restaurant chains have continued to operate in Denmark under the new regime; and there were some indications that a slightly higher limit on trans fats could have been equally effective in eliminating industrially produced trans fats, while eliminating the need to distinguish them from naturally occurring trans fats. That is something for us to think about in Canada. Honourable senators, the universe is unfolding as it should, albeit somewhat slowly, but I see no need for Senator Segal to go on permanent intravenous at this point.

Hon. Senators: Hear, hear.

• (1415)

JOURNALISTS LOST IN THE LINE OF DUTY

Hon. Joan Fraser: Honourable senators, I rise again this year to draw to your attention the number of journalists who were killed in 2006. As I do each year, I shall read out their names, compiled by the Committee to Protect Journalists. These are only the journalists that we are absolutely certain died because of their work. Dozens of other journalists were also killed last year, but we cannot be absolutely certain that it was because of their work.

The ones who we do know were killed because of their work, some of them died because they were covering conflicts, particularly in Iraq, but far more of them, the majority, were murdered. They were shot, beaten to death, stabbed, strangled and beheaded because they were working in the service of the free flow of information and ideas upon which free societies everywhere depend.

They were, in Afghanistan, Abdul Qodus, Karen Fischer, Christian Struwe; in China, Wu Xianghu; in Colombia, Gustavo Rojas Gabalo, Atilano Segundo Perez Barrios; in India, Prahlad Goala; in Indonesia, Herliyanto; in Iraq, Mahmoud Za'al, Atwar Bahjat, Adnan Khairallah, Khaled Mahmoud al-Falahi, Munsuf Abdallah al-Khaldi, Amjad Hameed, Muhsin Khudhair, Kamal Manahi Anbar, So'oud Muzahim al-Shoumari, Laith al-Dulaimi, James Brolan, Paul Douglas, Ali Jaafar, Ibrahim Seneid, Adel Naji al-Mansouri, Riyad Muhammad Ali, Mohammad Abbas Mohammad, Ismail Amin Ali, Abdel Karim al-Rubai, Safa Isma'il Enad, Ahmed Riyadh al-Karbouli, Hussein Ali, Abdul-Rahim Nasrallah al-Shimari, Noufel al-Shimari, Thaker al-Shouwili, Ahmad Sha'ban, Saed Mahdi Shlash, Naqshin Hama Rashid, Muhammad al-Ban, Luma al-Karkhi, Nabil Ibrahim al-Dulaimi and Aswan Ahmed Lutfallah. All of those, 32, died in Iraq.

In Lebanon, Loyal Najib; in Mexico, Bradley Will, Roberto Marcos Garcia; in Pakistan, Munir Ahmed Sangi, Hayatullah Khan; in the Philippines, Fernando Batul, George Vigo, Maricel Vigo; in Russia, Vagif Kochetkov, Anna Politkovskaya, Maksim Maksimov; in Somalia, Martin Adler; in Sri Lanka, Subramaniam Sugitharajah; in Sudan, Mohammed Taha Mohammed Ahmed; in Turkmenistan, Ogulsapar Muradova; and in Venezuela, Jorge Aguirre.

Join me, honourable senators, in paying homage to them.

MS. SOPHIA RABLIAUSKAS

CONGRATULATIONS ON WINNING GOLDMAN ENVIRONMENTAL PRIZE

Hon. Mira Spivak: Honourable senators, I rise to congratulate a dedicated and brave Manitoban, Sophia Rabliauskas of the Poplar River First Nation, this year's North American winner of the Goldman Environmental Prize.

Ms. Rabliauskas was chosen for the prestigious award for the work that she and her community are doing to protect one of the last large, unspoiled tracts of boreal forest from logging to the south and hydroelectric development to the north.

In a statement announcing her reward and the US \$125,000 prize, the Goldman Foundation said:

Canada's vast boreal forest, which includes the lands of Poplar River First Nation, plays a vital role in mitigating the impacts of climate change. A leader of her Poplar River First Nation in the boreal region of Manitoba, Sophia Rabliauskas has for the past eight years worked with her people to secure interim protection of their 2 million acres of undisturbed forest land, three times the size of Rhode Island.

• (1420)

Sophia Rabliauskas is one of only a handful of Canadians to win the Goldman Environmental Prize. Others are former Assembly of First Nations Grand Chief Matthew Coon Come, who received his reward in 1994 for his efforts to protect Cree wilderness in Northern Quebec from hydro-electric development.

To Ms. Rabliauskas and the 900 people of Poplar River, I extend my sincere thanks for your efforts in preserving the forest and offer my congratulations on your award. I am sure that all members of the Senate would agree with me.

FINANCE

CANADA SOCIAL TRANSFER— ALLOCATION OF CASH PORTION

Hon. Catherine S. Callbeck: Honourable senators, in the Conservative government's recent budget, the method of allocation for the cash portion of the Canada Social Transfer, CST, was changed. This transfer fund post-secondary education and social programs in our provinces. This change means that my home province of Prince Edward Island will receive a \$7 increase this year for each Islander under the new calculations, while richer provinces will see much greater increases, such as \$40 more per person in Ontario, and \$102 more per person in Alberta.

The Conservative government has indicated it made this change in the spirit of equality, but nothing could be further from the truth. In 1977, when the social transfer was first brought into being, it was made up of two portions: a tax point transfer and a cash transfer. At that time, the federal government gave up 13.5 per cent of personal income tax and 1 per cent of corporate tax to each province.

As we all know, because the average income differs between regions of the country, these tax points have different values in different provinces. For example, right now, a tax point in Alberta is worth \$310 per capita, while in Prince Edward Island it is worth \$129.

Because of these differences in tax point value, the federal government created a correcting formula in 1977 for the cash allocation of the transfer to help level the playing field. The Conservative government has abandoned that equality mechanism. While it claims that giving each province \$219 per person through the cash allocation treats each province fairly, when tax point values are taken into account the reverse is true.

When population is counted for, this change represents a CST cash increase in wealthy Alberta of more than \$330 million, compared to little more than \$1 million this year for Prince Edward Island. Given that the tax point transfer remains the same, it is obvious that this government's "per capita" approach to federal transfers ignores the regional economic disparities that exist in this country. This approach disproportionately benefits the richer provinces because of their higher average income. In the long term, this approach will only increase the gap between the rich and the poor in Canada.

Honourable senators, this drastic policy change can hardly be called fair and equitable. I call on the Conservative government to correct this inequity and disperse the cash allocation of the Canada Social Transfer in a manner that takes into account the regional economic disparities across the country.

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD—REPORT OF COMMITTEE PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Tuesday, May 1, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, February 13, 2007, to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 1401.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1425)

BUDGET—STUDY ON EVACUATION
OF CANADIAN CITIZENS FROM LEBANON—
REPORT OF COMMITTEE PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Tuesday, May 1, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Tuesday October 24, 2006, to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006, respectfully requests funds for fiscal year ending March 31, 2008.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

(For text of report, see today's Journals of the Senate, Appendix B, p. 1407.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

THE CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-48, to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF GOVERNMENT POLLING—
APPOINTMENT OF DANIEL PAILLÉ

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and Government Services Canada. Can the minister describe for us the tendering process he used to award a contract worth up to a million dollars to Mr. Paillé? This is an easy enough question, and I hope we will get an answer.

Hon. Michael Fortier (Minister of Public Works and Government Services): Mr. Paillé was appointed by the government to fulfill the mandate we have already discussed in this chamber. This was a government appointment like any other government appointment.

Senator Hervieux-Payette: Honourable senators, I know that the government appoints people and awards contracts, but it seems to me that the minister has always assured us that he follows the rules for awarding contracts. Can the minister tell us what made it possible to award a contract without a tendering process?

Senator Fortier: Honourable senators, the government has the right to appoint individuals to positions or for inquiries like the one in question. We appointed Mr. Paillé and gave him a budget that, as I explained the other day, will probably be much less than a million dollars.

• (1430)

We therefore allocated this budget to him to conduct a full review of the contracts in question between 1990 and 2003.

Senator Hervieux-Payette: I would really like to believe that the best person for the job has been appointed. However, I would like to read a quotation from the Treasury Board regulations.

[English]

A sole-source contract can only be given if one of the following conditions applies, and I would like to know which one. The first is one of pressing emergency in which delay would be injurious to the public interest; the second is the estimated expenditure does not exceed \$25,000; the third, the nature of the work is such that it would not be in the public's interest to solicit bids, for example, in a sensitive security matter; and fourth, only one person is capable of performing the contract.

Can the minister tell us which category Mr. Paillé falls under and why there was no competitive process in awarding him a contract worth possibly \$1-million, which I have doubts will be respected?

[Translation]

Senator Fortier: Senator Hervieux-Payette knows very well that the criteria she just listed apply to special circumstances, when the government acquires goods and services that are used to conduct all its major functions. Not all that long ago, when the Liberals were in power, they appointed Bob Rae as the head of a

commission to investigate the circumstances surrounding the Air India tragedy. The Liberals appointed Mr. Rae and gave him a budget. This government's appointment of Mr. Paillé is in no way different from that situation. We appointed an individual to perform duties that we have often discussed in this chamber, that is, to investigate and examine polling contracts awarded by previous governments between 1990 and 2003. We gave him a budget. I would urge the Senator to be cautious about the figures she suggests. She might regret saying that a certain figure was over \$1 million, when that figure is really lower. I would also remind the minister that the entire sum of \$1 million would not go directly to Mr. Paillé, because he will be working with other people, who will help review the contracts. I therefore urge caution about suggesting figures.

[English]

Hon. Terry M. Mercer: Honourable senators, if the minister is certain he did not violate Treasury Board policy in the awarding of this contract, he must have used condition number four — and I will refresh his memory — that only one person is capable of performing the contract.

Did the minister therefore specify that the person, first, must be a devout separatist; two, have served as a member of a separatist cabinet; three, have imposed a referendum upon the Quebec electorate; four, have drafted a question to trick Quebecers into abandoning Canada; or five, have then refused to clarify his allegiance to Canada on Parliament Hill with and in the presence of the Minister of Public Works and Government Services? That would be the only way the minister could explain Mr. Paillé's contract.

Senator Fortier: As a matter of fact, the honourable senator is wrong. There are circumstances where the government has provided contracts and has appointed individuals in special circumstances. The honourable senator knows that probably better than many of us here, certainly more than me. Mr. Paillé has been appointed to this position and he will be paid a per diem, which is in accordance with the rules that govern these types of situations. He will have a staff and will obviously need to have people helping him to look at these contracts; it is no more complicated than that.

THE ENVIRONMENT

CLIMATE CHANGE AND CLEAN AIR PROPOSAL— COST OF PLAN—REDUCTIONS IN EMISSIONS LEVELS

Hon. Grant Mitchell: Honourable senators, there is a pattern here. When the neo-conservative government likes something, investing in it does not create any economic harm; but when the government does not like something, investing in it creates economic mayhem. Of course in reality they argue economics is a smokescreen for ideology.

My first question to the Leader of the Government in the Senate is: Why, when the government puts billions of dollars into new tanks, new helicopters, bullets, guns and war there is not an inkling of any economic harm, but when the government is forced to put money into the environment somehow, it protests that that will create economic havoc?

• (1435)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I believe Senator Mitchell is referring to the appearance of the Minister of the Environment before the Senate committee where he outlined the costs of implementing the Kyoto Protocol based on a third-party financial analysis. We now find out this includes similar financial analyses done by the previous government which never saw the light of day.

Senator Mitchell: I am not actually referring to that. I am referring to the \$8 billion the minister said that he was planning to spend when he made the announcement the next day. He said explicitly, "That will hurt the economy." When this neo-conservative government put \$8 billion into the environment, why was there nothing but economic doom and gloom, but it can squeeze \$30 billion out of the value of income trusts overnight with a single policy initiative and there is no suggestion that might hurt the economy let alone many Canadians? How does the honourable senator square those two things?

Senator Mercer: They do not care about seniors.

Senator LeBreton: I am trying to figure out whether the question relates to the environment or income trusts. It is clear that there has been much debate on the matter of income trusts. I read a report yesterday that indicated that many of these trusts are back at or near the value they were when the government made its decision on October 31.

I heard a senator refer to seniors. In my capacity as Secretary of State for Seniors, the matter of income trusts has not been drawing a lot of attention, which is a surprise to me. There are seniors in the position of having investments, and there are many seniors who are not. Many seniors have told me that their investment dealers diversified their portfolio. Any small losses they took on the income trust side were more than made up on the other side and, in fact, they are ahead of the game.

Senator Mitchell: That response proves that if the Leader of the Government listens at all she listens selectively. Al Gore, the head of the climate change group at the United Nations, David Suzuki and every credible environmentalist in this country has described the climate change program of this government as, among other things, a fraud designed to mislead Canadians. Does the government have any scientific studies or proof that would defend the position that the weak emission level reductions will achieve what the Kyoto science of climate change dictates must be achieved? Clearly it will not.

Senator LeBreton: Honourable senators, I took note of Senator Mitchell's comments about David Suzuki and the former vice-president of the United States. Obviously, Senator Mitchell was very much influenced by David Suzuki because clearly he did not read the government's environmental plan. The fact is that had the Liberal government been in office and a former vice-president of a republican stripe criticized the government in the way Al Gore has, the honourable senator would be up on his feet demanding that the Americans not interfere with Canadian policy, and there would be eight-column headlines in *The Toronto Star* and *The Globe and Mail* making the same demands.

With regard to the environment, in the other place, at the first opportunity that members of the opposition had an opportunity to question the government, they did not. In fact, they did not ask any questions on the environment until well into Question Period, which tells me that we have a fair and balanced plan. For the first time a government has introduced a plan that will cut air pollution by one half by 2015, reduce greenhouse gas emissions by 20 per cent by 2020 and impose mandatory emissions and air pollution reduction targets on industry.

• (1440)

This is not an easy thing to accomplish, but this government has taken these initiatives. If this were an easy thing to accomplish, it would have been done in the past.

Senator Mitchell: I have no doubt that former Senator Al Gore read the program, and I am sure it did not take him very long. That begs the question: Did the Leader of the Government in the Senate read that policy program? If she had, I will tell honourable senators right now she would not be defending it as she is today.

An Hon. Senator: Read it! Read it!

Senator LeBreton: Not only did I read it, I lived and breathed it for about six months.

FINANCE

CONTRIBUTIONS OF PREVIOUS GOVERNMENTS

Hon. Yoine Goldstein: Honourable senators, is the previous government to which the Leader of the Government in the Senate referred in her initial answer to the question, the same Liberal government that delivered eight consecutive balanced budgets in a row creating a surplus that this government is now busy squandering?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Goldstein must really get over the concerns that he has in regard to my comments about the previous government.

I had indicated in answer to a similar question that the previous government, I will acknowledge, did a very good job implementing an economic agenda because of the policies of the previous government on free trade and GST. By the way, the government of the Right Honourable Brian Mulroney inherited the worst debt of any government in the country's history from the Right Honourable Pierre Elliott Trudeau in 1984.

Senator Goldstein: The Progressive Conservative government to which the leader refers as the previous, previous government, in 1987-88, left us the largest debt that Canada ever had, and the debt was eliminated by the Liberal government in 1997-98, making Canada deficit-free for the first time in three decades. Is that the government about which she is speaking?

Senator LeBreton: I am not an economist, but even I can say this: The debt and deficit comparisons are always calculated as a percentage of GDP. The fact is that the largest deficit in the history of the country was left to the government that came into office in 1984 following the government of Pierre Elliott Trudeau. That is a fact; it is on the record.

I believe the debt consisted of 8.9 per cent of the GDP. Our government decreased that figure to the range of 4 per cent. There was a recession in 1991-92, and it went back up to over 5 per cent, but it was still three full percentage points below what it was when we came into government. That is a fact.

It is also a fact that when the government the honourable senator referred to took office in 1993, the first budget of then Finance Minister Paul Martin, the honourable senator may wish to go back and check the record, was roundly condemned and it was only after his second budget, when he implemented the budget of Don Mazankowski, that the economy started to turn around.

Senator Goldstein: Deficit is a function of GDP, which is a function not accepted by any economist. It is in absolute dollar terms that one determines what the deficit is.

My question remains: Did we inherit the largest deficit that Canada had ever had, terminate it and pay it down?

Senator LeBreton: That is not a fact.

Some Hon. Senators: Oh, oh.

THE ENVIRONMENT

CLIMATE CHANGE AND CLEAN AIR PROPOSAL— COST OF PLAN—REDUCTIONS IN EMISSIONS LEVELS

Hon. Tommy Banks: With respect to my question to the Leader of the Government in the Senate, I wish to revert to the issue about the environment. I am shocked that in her response to Senator Mitchell's question the government leader did not give the 13-years-of-Liberal-inaction speech.

• (1445)

Senator Tkachuk: Right on. She should have.

Senator Banks: We have learned that that is the wind-up doll response.

The fact is that anyone who has paid the slightest attention to this issue — and some people should — knows that between the years 1990 and 2004 the greenhouse gas or GHG intensity of emissions in this country went down by 13.8 per cent — nearly 14 per cent — a figure that, if it is reached in the next little while, will be trumpeted by her as a triumph, and it would be.

During the time of that reduction in intensity of GHG, the Conservatives insisted that there was not a problem that had to be dealt with, that the science around the issue was uncertain. The Conservatives continually expressed vehement opposition, if not vitriolic opposition, to any such action being taken.

We continually hear the Leader of the Government in the Senate characterize the efforts that led to that 13.8 per cent reduction in greenhouse gas intensity as a failure to act. Since the leader characterizes those Liberal programs that led to intensity reductions of nearly 14 per cent during those times as a failure to act, how can she explain the present continued use of a criterion that she, in one moment, dismisses as inaction and, in the next moment, describes as innovative?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I do not know how one answers a question like that. I am not sure what the honourable senator is basing his calculations and figures on.

At the beginning of the 1990s, when Prime Minister Mulroney was in office, a worldwide recession was under way. Nevertheless, Mr. Mulroney recently received the award, given by a group including Elizabeth May, no less, of all people, as being the greenest Prime Minister.

I hasten to mention Elizabeth May because I am wondering if the party opposite will distance themselves from her comments in London, Ontario, when she talked about our position on the environment representing a grievance worse than Neville Chamberlain's appeasement of the Nazis. I would hope the leadership of the Liberal Party would be distancing themselves from that kind of a remark.

With regard to the senator's question, our environmental plan is a balanced plan. We are very happy to note that the initial reaction and response of Canadians to the plan has been good. We are trying to involve Canadians in resolving the problem. One of the things Canadians are particularly pleased about is the fact that we are dealing not only with greenhouse gas reductions but also air pollution — something that was sorely missing in the never-implemented plans of the previous government.

Senator Banks: They were implemented. I happen to agree with the government leader's opinion of Ms. May's comparison of the Conservatives environmental plan with Neville Chamberlain. Ms. May's comments were a bit over the top, if not a lot over the top.

I want to answer the leader's question with respect to the source of my figures. My figures come from the National Inventory Report, an Environment Canada publication, to which I commend her attention. It showed that in terms of megatons expressed in billions of dollars of GDP, in the five years before 1995, the intensity reductions amounted to 0.3 per cent; between 1995 and 2000, the reductions amounted to 8.9 per cent; between 2000 and 2003, they amounted to 11.5 per cent; and in 2004 they amounted to 13.8 per cent.

• (1450)

Those were real reductions in intensity. My question has to do with how it is possible that a program that the Conservatives criticized as having been inaction, using a criterion of intensity on which we now agree was not effective, is now regarded as being acceptable, and is a good idea. It is not a good idea and we need to do something different and we were hopeful the Conservative government might do that.

Senator LeBreton: All I can say, Senator Banks, is that the government and the Minister of the Environment have embarked on a plan to reduce greenhouse gases and pollution that is realistic, fair, and balanced. The plan takes into consideration the real needs to deal with climate change and pollution issues. It also is mindful of the impact on our economic growth. The first impressions and reports, and some of the commentary from people who are knowledgeable, is that this plan is a fair and balanced approach. Even Buzz Hargrove spoke of the importance of putting together a plan that deals with the issue, but does not endanger the jobs of hard-working Canadians.

With regard to the specific question on intensity, I will take it as notice.

INDUSTRY

INCREASE IN PRICE OF A PHONE CALL

Hon. Francis William Mahovlich: This question is to the Leader of the Government in the Senate. The leader talks of economic growth from the Conservative government. Does she mean to tell us that a 25-cent phone call goes up to 50 cents?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I would ask the honourable senator to put that in relation to what hockey players of his calibre were paid when he played hockey versus what they are paid today.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CLOSURE OF CONSULATES

Hon. James S. Cowan: To date, this government's foreign policy has consisted almost exclusively of closing Canadian consulates in countries like Japan, Italy and Russia at the expense of Canadian businesses that rely on those consulates to build markets for their products and Canadian citizens that use their services on a daily basis.

The deputy minister of Foreign Affairs and International Trade Canada has said that his department is "at risk of death by a thousand cuts." To the Leader of the Government in the Senate, why is this government slashing Canadian representation abroad at the expense of Canadian businesses and our reputation in the world?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I think that question is a little alarmist. I do not believe that the actions of the government inhibit, in any way, the ability of our government and the various companies in Canada that are working and doing business abroad from continuing to do their good work.

I am not aware of the comments of the deputy minister of foreign affairs. I will find out the context or the intent of the remarks the honourable senator claims to have, and take that part of the question as notice. I want to clarify what was said.

• (1455)

Senator Cowan: Just to ease the research burden on the Leader of the Government, it was a speech by former Deputy Minister Peter Harder, which he gave last fall to retired heads of missions. The report I saw was a Canadian Press report in the April 16 issue of the *Regina Leader-Post*.

The defence that is given is that there is a consolidation of missions. I suggest that consolidating our presence abroad assumes that Canadian interests in Osaka, for example, can be serviced from Tokyo. This is unacceptable. It is like saying to citizens and businesses in my home city of Halifax, or in Calgary, that all of their needs can be met out of Toronto.

The previous government recognized that more Canadians are travelling and living overseas, requiring more help internationally, and they added 12 new consulates over the course of their mandate. To quote former Deputy Prime Minister John Manley:

The time has come to reinvest in Foreign Affairs after nearly a decade of budget surpluses. This is clearly a federal role. This is not overlapping with the provinces. This is not overlapping with the municipalities. This is the role of the federal government, to give a voice to Canadian interests. International affairs is our job. Give more muscle to our diplomats so that we can play the role that the world needs us to play.

Why does this government continue to demonstrate that it simply does not care about the needs of Canadians living and doing business abroad?

Senator LeBreton: That is simply not true. The government cares greatly — the events of the last year have proven it — about Canadians who are travelling or living abroad.

With regard to the comments of the former Deputy Minister of Foreign Affairs, I am still not aware of the context in which he made them, so I would not want to prejudge the intent. I would have to see in what context they were made.

With regard to the comments of former Deputy Prime Minister Manley, I remember distinctly that he was very critical of his own government in terms of their commitment to our obligations to the world. I cannot quote him directly, but I will paraphrase; he used a comment such as Canada cannot expect to be at the table and have a full voice and then head to the washroom when the bill is delivered.

THE ENVIRONMENT

CLIMATE CHANGE AND CLEAN AIR PROPOSAL— COST OF PLAN—REDUCTIONS IN EMISSIONS LEVELS

Hon. Anne C. Cools: A few moments ago in her responses, I understood very clearly that the honourable minister and the Government of Canada were in a state of dissatisfaction or unhappiness with what Mr. Al Gore had to say. I gathered that, but if I am wrong, I would be happy to be corrected.

I am wondering if the government has any intention of acting on this unhappiness, and whether the government, probably in the person of the minister, has any plans to call in the American ambassador for an explanation?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did not express any unhappiness about what Mr. Gore said. I simply said that if he had said those words in another context, there would have been a completely different result.

I am neither unhappy nor happy about what Mr. Gore said; I have no emotions other than that I am not surprised.

[Senator Cowan]

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present in this chamber a delayed answer to an oral question raised by Senator Grafstein on March 21, 2007, on Budget 2007, support for centres of excellence, and an answer to an oral question raised by Senator Segal on March 21, 2007, on Zimbabwe and the breaking of diplomatic relations and recalling the ambassador.

BUDGET 2007

SUPPORT FOR CENTRES OF EXCELLENCE

(Response to question raised by Hon. Jeremiah S. Grafstein on March 21, 2007)

Canada's Conservative Government recognizes that research plays a vital role in improving the lives of Canadians.

Budget 2007 invests significant new resources to support basic research, cutting-edge research infrastructure, and advanced skills training at our universities, colleges, and research hospitals.

Budget 2007 provides funding to support leading Centres of Excellence that position Canada for global leadership with an investment of \$350 million over this and the next two years. This includes immediate funding for several Centres of Excellence in health sciences, including:

- The Brain Research Centre at the University of British Columbia;
- The Li Ka Shing Knowledge Institute at St. Michael's Hospital in Toronto;
- The Heart and Stroke Foundation Centre for Stroke Recovery;
- The Montreal Neurological Institute at McGill University;
- The National Optics Institute in Quebec City; and
- The Life Science Research Institute in Halifax.

Budget 2007 provides funding for several other research initiatives, including:

- \$85 million per year through the granting councils for research targeted towards key priorities, including \$35 million per year for the Canadian Institutes for Health Research (CIHR).
- \$35 million over two years and \$27 million per year thereafter to support an additional 1000 graduate students through the Canada Graduate Scholarship program. Four hundred of these scholarships will be provided to students pursuing advanced degrees in the health and medical sciences.

- \$100 million in 2006-07 to Genome Canada to extend promising research projects and sustain funding for genome centres.
- \$30 million in The Rick Hansen Man in Motion Foundation in 2006-07, to help Canadians living with spinal cord injuries.
- \$510 million to the Canada Foundation for Innovation (CFI) to support the modernization of research infrastructure at Canadian universities, hospitals, and non-profit research organizations.

Reaction to these Budget 2007 measures has been overwhelmingly positive. The Association of Universities and Colleges of Canada lauded Budget 2007's research investments, noting "this kind of support for the next generation of Canadian researchers will help launch exciting new ideas and innovation across the country."

Bonnie Patterson, president of Trent University, added that Budget 2007 "takes important steps to invest in research excellence at Canadian universities." Queen's University also congratulated our Government for a Budget that "supports the critical role universities play in a knowledge-based economy."

Even more, Polytechnics Canada applauded Budget 2007's emphasis on creating more research opportunities: "we're pleased that the government recognizes the need to invest in applied research and training."

Finally, Canada's Research-Based Pharmaceutical Companies praised Budget 2007's "support for initiatives that will promote innovation in life sciences in Canada", further adding it would "help keep our best and brightest minds in Canada."

Clearly, Canada's Conservative Government understands the importance of promoting a knowledge and research-based economy, and is advancing tangible support in that respect in Budget 2007.

FOREIGN AFFAIRS

ZIMBABWE—BREAKING OF DIPLOMATIC RELATIONS AND RECALLING AMBASSADOR

(Response to question raised by Hon. Hugh Segal on March 21, 2007)

Severing diplomatic relations with Zimbabwe at this time would not be an effective way to advance Canadian objectives. It would mean that Canada would not be in a position to maintain its support for the citizens and civil society of Zimbabwe, which need it more than ever. They want Canada to stay and work with them. Canada's withdrawal from Zimbabwe would prevent it from providing Canadians in the country with consular services. It would also deprive Canada of invaluable information on developments there which is essential in shaping Canadian policy and helping Canada to influence events. No country has broken diplomatic relations with Zimbabwe.

With regard to the suggestion that Canada call its Ambassador to Zimbabwe home for consultations, the Minister can assure you that Canada has conveyed clearly and regularly to Zimbabwe its great concerns about developments in that country, including the recent repression of opposition supporters and others. At this difficult time, Canada's Ambassador can be most effective by being on the ground in Zimbabwe, where she can monitor and advise the Government of Canada on the fast evolving developments in the country, and continue to meet with protagonists from the civil society and the government and convey Canadian messages. Her presence also allows her to work with other members of the international community, including countries of the Southern African Development Community, to help address the crisis of governance in Zimbabwe.

ANSWER TO ORDER PAPER QUESTION TABLED

NATURAL RESOURCES— GREENHOUSE GAS EMISSIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 27 on the Order Paper—by Senator Spivak.

• (1500)

[English]

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—MESSAGE FROM COMMONS— DISAGREEMENT WITH SENATE AMENDMENT— MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau:

That the Senate do not insist on its amendment to Bill C-16, to amend the Canada Elections Act; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I raise a point of order and it is on the nature of the question that is before the house. Last Thursday, April 26, I rose and asked for clarification. I will read from *Debates of the Senate*, April 26, 2007, at page 2204:

Perhaps His Honour could provide some clarification on this minor point. I was under the impression that bills are not returned to the Senate and that only messages moved

back and forth between the houses. I notice that the word "return" was used in the April 5, 2007, *Journals of the Senate* at page 1378. It says: "A message was received from the House of Commons to return Bill C-16, an Act to amend the Canada Elections Act." There is something very wrong with that because the bill is not back in this place.

I was then distracted by Mr. Robert.

Honourable senators, I found the message from the Commons to be awfully odd. Could honourable senators express an opinion on this? The message is from the Commons dated Tuesday, April 24, 2007. It reads:

ORDERED

That the Clerk do carry back this Bill to the Senate and acquaint their Honours that this House disagrees with their amendment.

It is signed by the Clerk of the House of Commons but I cannot read the handwriting. Further, the message does not mention which bill. The Speaker of the Senate, Senator Kinsella, received this message on April 25, 2007, and I quote him in the *Debates of the Senate* at page 2182:

Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons to return Bill C-16, to amend the Canada Elections Act, and to acquaint the Senate that the House of Commons disagrees with the amendment made by the Senate to the bill.

Honourable senators, when shall this message be taken into consideration?

My point of order last Thursday, honourable senators, was that bills are not returned and they do not move back and forth between the two Houses. I noticed that when the Leader of the Government in the Senate was speaking on Thursday, she kept making statements to the effect that the bill had gone through twice.

Honourable senators, there is something very wrong with this message. There is nothing in it that indicates which bill the House is talking about. I do not know if there was additional supporting documentation. Based on this message and on the Senate records, we do not have the message before the house. Rather, the question before the house is a bill. Which bill? It does not say.

It has been my understanding all these years that messages move back and forth but bills do not. In other words, it is never open to senators or members of this House to amend such a bill because the bill is not before them. The whole bill is not open to the Senate for consideration. I do not know whether it is carelessness or an oversight but this message from the Commons is not in order. Do other honourable senators have an opinion to express on this?

When His Honour Senator Kinsella said that he had the honour to inform the Senate that a message had been received from the House of Commons returning Bill C-16, I do not know how he could have known that it was Bill C-16 because the message, as I have read it, does not mention Bill C-16. Was it accompanied by a copy of Bill C-16? I do not know. It does not say. However, I am clear that Bill C-16 is simply not there and that the matter

before the Senate is the message that the House disagrees with the amendment of the Senate to some unidentified bill. I do not know how to resolve this. I am not meaning to put His Honour in a difficult position but, as I have said time and time again, it would be so easy to proceed properly. I do not understand why the government insists on putting itself at risk again and again by operating in such a sloppy fashion. Perhaps the first thing this place should do is ascertain that this message is about Bill C-16 and that we are "in the right ballpark," as they say in the vernacular. Perhaps the government should respond.

The Hon. the Speaker: Honourable senators, I have heard enough to satisfy that I am able to issue a ruling on the point of order that has been raised by the Honourable Senator Cools. I thank her for raising it because there must be clarity in these matters.

When a message like this is read by the Speaker, it is accompanied by the bill, and in this case, Bill C-16. The record of the journey of the bill is contained in the latter pages attached to it. As Senator Cools rightly pointed out, on April 24, 2007, the document signed by Ms. Audrey O'Brien, Clerk of the House of Commons, ordered that the Clerk do carry this bill to the Senate and acquaint their honours that the House disagrees with their amendment. The message, honourable senators, which I read, had Bill C-16 attached to it, thereby ensuring that this house is in full possession of the bill. The House disagreed with the amendment that this honourable house had made. The motion in reply was made by the Leader of the Government in the Senate and that motion is before the house. All of this is quite in order, and that is my ruling.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Question!

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, before we vote, I would like to comment on this bill.

[English]

The motion before the house was introduced by the government leader last week. It is a motion that responds to the message received in the Senate from the other place on April 25, 2007, concerning the amendment on this side to Bill C-16. That message simply said:

[Translation]

The House of Commons disagrees with the amendment made by the Senate to this Bill.

Generally, when the House of Commons disagrees with amendments proposed by the Senate, it sends us a message about the rejection explaining the reasons. This was the case when we amended Bill C-2 on accountability. We received a message from the other place explaining that some of our amendments would be accepted while others would be rejected.

[English]

In the message on Bill C-2, reasons were provided for rejecting the Senate amendments. In this case with Bill C-16, the other place has provided no information whatsoever to explain why it

finds the Senate amendment unacceptable. This is certainly not in keeping with past practice. I can only conclude that this so-called new Government of Canada is becoming so arrogant as it changes into the old Government of Canada that it does not feel the need to explain anything to anyone.

[Translation]

We are offended that the government, in its message sent from the other place, did not mention the reasons for its rejection of our amendment, which was supported by our Liberal Party colleagues.

[English]

Although I do not believe that we should hold up our final verdict on Bill C-16 any longer, I do believe that an important point needs to be made.

MOTION IN AMENDMENT

Hon. Celine Hervieux-Payette (Leader of the Opposition): Consequently, I move:

That the motion be amended by adding after the word "accordingly," the following:

[Translation]

However, the Senate expresses its regret that the House of Commons provided no sound reasons to refuse the Senate amendment to Bill C-16, which was clearly in line with the objective of the Bill.

This objective was what led my colleagues to support the bill, provided these amendments were made.

I ask that we add this motion in amendment to the government motion in order to show that we do not wish to be treated in such a cavalier way.

• (1510)

[English]

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion in amendment?

Hon. Lowell Murray: Honourable senators, I certainly hope this amendment does not represent a widespread failure of nerve on the part of my friends opposite. We shall see. I, for one — and I hope one or two of my colleagues in this corner, for others — will give them the opportunity to vote on this.

As honourable senators know, I expressed my opposition to the original amendment, made by Senator Joyal, which has been sent back to us by the House of Commons. I shall vote against the amendment proposed by the Leader of the Opposition, and if I had the opportunity, I would vote against the bill, purely and simply.

I regret that I had to leave early last Thursday to attend a conference at the University of Waterloo and was therefore not here for much of the debate on Senator LeBreton's motion. However, I associate myself entirely with the speech delivered on that occasion by Senator Atkins.

There is no need for this bill, and my honourable friends opposite know there is no need for this bill. They also know that it constrains unnecessarily the freedom of a Prime Minister to advise dissolution and to advise the issuance of a writ for elections on a particular day. I am as opposed to this as I am to other bits and pieces of the American congressional system being imported into Canada where they serve no useful purpose.

I was thinking about this issue this morning, and I keep asking myself the following questions: What is the evil that this bill is intended to correct? When, in living memory, has the prerogative of the Prime Minister with regard to dissolution been abused?

Hon. Hugh Segal: Mackenzie King.

Senator Murray: Senator Segal answers, "Mackenzie King." I let my mind wander over a period of more than 70 years, which is roughly the number of years that I have been on this earth.

Senator Segal: Before my time.

Senator Murray: While my political memory does not begin on the day of my birth, I recall that think on four occasions a Prime Minister has waited for almost five years before calling an election: Prime Minister Bennett, in the middle of a recession; Prime Minister King, in the middle of a war; Prime Minister Trudeau, in 1978-1979, because of an apprehended fiscal crisis; and Prime Minister Mulroney, in 1993, because of the Charlottetown referendum in 1992.

No fair person could say that the prerogative had been abused.

Senator Segal: What about a precipitous fall of the government?

Senator Murray: My friend brings up the King-Byng crisis. Mr. King was attempting to avoid a motion of confidence he was facing in the House of Commons. The Governor General refused dissolution and called upon Mr. Meighen. The problem was that Mr. Meighen could not maintain the confidence of the House and Parliament was dissolved for a general election.

Senator Segal: The statute prevented King from even trying to precipitously end that House of Commons.

Senator Murray: No. My friend is absolutely wrong about that. Prime Minister King was facing a motion of confidence that he was about to lose. If he had not been able to go to the Governor General and seek dissolution, he would have been defeated anyway, and there would have been an election. There is no parallel there at all.

On what occasions has a Prime Minister abused the prerogative by calling an election too soon? I have looked at all the cases, going back to 1953. I shall not take honourable senators through them, but in virtually every case, certainly in those cases where there was a majority government, the elections were held within either a month or two before the fourth anniversary of the previous election or within a month or two afterwards. I think it was three months in the case of the 2000 election.

Aside from minority situations where a government was defeated, or in the case of Mr. Pearson who decided, after a heavy legislative history to that session and a heavy agenda before him, that it was appropriate to call an election and seek a new

mandate, elections have been held at four- or five-year intervals, and there is no cause, in my view, for complaint. In most cases, in my living memory, there has not been any complaint about a premature election having been called.

I do not see the evil that Bill C-16 is intended to correct, and I do not see the good that will come of a fixed election date in this country. I would vote against it, and would have voted against it had there been a standing vote on the bill at third reading.

I intend to vote. Without taking honourable senators more extensively through the historical record, which I could do, I simply say that I shall vote against the amendment, because I was against the original amendment of Senator Joyal. I shall vote against the amendment in order to express my opposition to the entire bill.

Some Hon. Senators: Hear, hear.

Hon. Anne C. Cools: Honourable senators, if the whole bill is before us, it would mean that we can move amendments to different clauses of the bill. I am still not convinced that the entire bill is before us and is open to us for amendment. I am not satisfied with that at all.

In any event, I should like to sympathize in a way with the opposition — although it is only sympathy — with the fact that they seem to be attempting to avoid a provocation from the government. We have all read recent media stories about how the government wants to provoke its own defeat in a motion of confidence.

Senator Mercer: Not any more!

Senator Cools: It does not matter to me one way or the other, but if that is the reason for the opposition's rather mild stance, it is their stance and not mine. As I said a few days ago, when anyone — in this instance, the Leader of the Government in the Senate, being the minister — comes to this place and asks the house to reverse itself on a position that it had taken just a few weeks ago, in other words, to reverse its decision to alter its judgment and to adopt a contrary one, that, to my mind, is a step that should rarely be taken. When asked for, it should usually be declined, unless an exceptional reason or argument is put before the house.

My position has not changed since then. I remain fundamentally opposed to the whole initiative and to the manner of the prosecution of the bill through both Houses, and now again.

• (1520)

I wish to add to what Senator Murray said a few moments ago about Mr. Byng and Mr. King. Unfortunately that little episode in our history is not sufficiently well understood. Senator Murray is absolutely correct. When Mr. Mackenzie King, Prime Minister at the time, appealed to Lord Byng to dissolve the House, Mr. King was, at that point, facing a motion of censure. Frankly, Lord Byng was correct. The prevailing opinion at the end of the day — there are some exceptions such as Mr. Keith, and so on —

was that, despite the fact that Mr. King won an election not long thereafter, constitutionally, Lord Byng was correct. Lord Byng essentially said to Mr. King that the Prime Minister could not appeal to His Majesty in such a way as to put His Majesty into conflict with the people of the country: That is, to put the Governor General into a position of conflict with the House of Commons. Apparently what Lord Byng also said to Mr. King was that that he had to face the judgment of the House of Commons and that the King's dissolution could not be called upon to avoid that judgment of the House. That principle stands as true today as it did then.

That kind of thing would not even be possible with this bill because what this bill attempts to do does not limit prime ministers for prime ministers will be beneficiaries of this sort of thing. What it is doing is limiting the public, the citizen. That is my concern with Bill C-16. This bill and this government are doing it again and again. This government is tampering with the most fundamental relationship of all: The relation between subject and sovereign or between citizen and Queen. That relationship is so fundamental. This bill bothers me deeply and I will not support these measures.

Honourable senators, I spoke about this matter some days ago. I referred to the whole notion of the elective franchise. I will try one more time, although it seems here that it does not matter how much argument is brought forth: The government does not listen. I want to explain one more time the importance of this pillar of our Constitution, which is the fact that the citizen, or the subject, has a right to an election any time the circumstances allow it. The notion is that never again will the citizens, the subjects of these lands, need to resort to arms to relieve themselves of despotic governments. I want to put this notion on the record again. Sometimes, repetition makes sense.

I want to read from Sir William Blackstone, *Commentaries on the Laws of England*, four books. I will read from book 2, in particular, Mr. Justice Sharswood's edition at page 36, Franchises, which states:

Franchise and liberty are used as synonymous terms; and their definition is, a royal privilege, or branch of the king's prerogative, subsisting in the hands of a subject. Being therefore derived from the crown, they must arise from the king's grant; or, in some cases, may be held by prescription, which, as has been frequently said, presupposes a grant.

Honourable senators, let us understand what the elective franchise is. This peculiar British constitutional notion tells us that the phenomenon of representation and the citizens of this land being licensed, so to speak, or authorized by the Royal Prerogative of his majesty to vote, is the finest expression of representation. At the end of the day, representation in the British sense was, and is, a delegated monarchical phenomenon. It is in that process of representation that Her Majesty the Queen or the King joins with his or her subjects to be able to perform this grand task of representation.

I want to say that again: Representation is, of itself, the delegated monarchy of a nation. I call it one of the pillars of the system because that is where the notion of the sovereignty of the people comes from, as the sovereignty of Parliament. It is all borrowed from the sovereignty of the sovereign.

Honourable senators, this notion is such a fundamental pillar of this entire system that I shudder and I am afraid that it is being altered and tampered with. Once this is tampered with, it means that the subject citizen is no longer at the centre of the Constitution.

Perhaps, honourable senators, we need to wonder why this government seems to want this change. One of the most shocking and disappointing elements of this government is that I see a constant expenditure of many millions of dollars for what I consider to be for no good reason at all. There is no need whatsoever for this bill.

For the sake of argument, if one or two prime ministers have been errant, then what is needed are stronger caucuses to confine and constrain prime ministers because prime ministers have enlarged their jurisdiction over the years. It was not Lord Acton, but one of those lads who said that it took 700 years to take certain powers away from a king and 50 years to give them to a prime minister. That this fundamental pillar of the Constitution has been altered, like so many profound aspects of it, by means of a simple bill, and on the say-so of one or two lawyers, is even more bothersome. Let us make no mistake: This bill is a fundamental and profound alteration to the Constitution of this land. These changes move the citizen from the centre of the Constitution. The Constitution has been thought to have two centres: the citizen, or the subject, and the sovereign. I have a lot of problems with the slow sure and persistent moving of the position of prime minister into the centre of the Constitution, especially when we consider that the prime minister has no legal existence.

Honourable senators, I want to express my concern with the constant reference at all times to prime ministers holding elections. I find this to be bothersome. These assertions by Prime Ministers are relatively recent in our history.

In 1979 — and I remember it vividly — Mr. Clark announced, following his defeat in the House of Commons, that he was going to the Governor General to request the dissolution of Parliament. Until recently, no prime minister ever made statements to the effect that he or she will have an election, hold an election or call an election. I put those questions to the Leader of the Government here and I found six responses that were singularly distressing.

• (1530)

To return to the Prime Minister's statements made just outside the Senate chamber, I said the last time I spoke that I found that press conference to be singularly disturbing. It is understood that when a High Court is in session, with the mace on the table, all reverence should be granted. I do not believe that in any other court in this land, not the Supreme Court of Canada or the Superior Court of any province would anyone hold a press conference right outside the court's door. That has shocked me deeply, and I still have not recovered from it. I was always taught that the mace on the table is the symbol of the royal dignity and that the entire House is to be accorded respect.

On Thursday, December 14, 2006, the Prime Minister answered a reporter saying:

In terms of an election, you know, I give you the same answer I've given all along. I've got to say I really like this job. I want to keep it a while. I want to get some things

done. I have no reason to call an election. The public's not asking for an election. I don't know what the reason for an election would be.

The Prime Minister then went on to talk about Mr. Dion. A few sentences later, in speaking about his Bill C-43, he said:

No, that is not true. If we tried to establish mandatory elections for senators, it may be there would be a problem with a constitutional amendment. But the bill proposed by the government simply gives the Prime Minister the power to consult citizens before proposing names to the Governor General. Holding consultations in an election or proposing names are decisions for the Prime Minister and ultimately for the Governor General. I think that the real decision is to hold an election. I prefer to have senators with a democratic mandate, but I think that if a prime minister holds an election —

— there it is again —

— it is politically necessary to accept the result.

I hear this again and again, honourable senators. Maybe this is an era of weak Governors General. Some have been chosen for weakness. Empires built on weakness usually falter.

I believe that the initiative in Bill C-16 is wrong. I would like to have seen forceful opposition to it. I do not know where all these changes are going, because we are receiving them piecemeal. No one will tell us where they are leading.

Honourable senators, elections belong to the citizens of the land. That is the way they share in governance and play their part in what we call the monarchy.

Some Hon. Senators: Question!

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: The question is on the amendment moved by the Honourable Senator Hervieux-Payette. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: On division.

Motion in amendment agreed to, on division.

The Hon. the Speaker: We are now on the main motion.

Hon. Marcel Prud'homme: I would like to thank all honourable senators who helped me through the very difficult time of the passing of my sister.

I am quite upset with the Leader of the Government in the House of Commons and Minister for Democratic Reform, the Honourable Peter Van Loan.

[Translation]

His lack of respect for the current institutions bothers me. I have always believed that we represent legitimacy and that any attack on legitimacy is an attack on our institutions. It is our duty to respect Parliament, composed of the House of Commons and the Senate.

We have the monarchy. The desire to change the Senate is tantamount to the desire to change Canadian institutions. You have before you a former member of Parliament, a senator who, 20 times in his life, has pledged his allegiance to Her Majesty, Queen Elizabeth II, Queen of Canada. From the start of my career as a student, as an army officer in Shilo, Manitoba, and very recently, I have sworn allegiance 20 times.

I am one of those who believe that the evolution of Canada may one day lead us to redefine the position of head of state. But in the meantime, I am very loyal to Her Majesty, Queen Elizabeth II of Canada. I speak these words in French and I will repeat them anywhere in Quebec. It is not Her Majesty's problem that Canada has a monarchy. It is not the senators' problem that the Senate was created as we know it. And the unacceptable and disagreeable comments by both the Minister of Public Works and Government Services and the Leader of the Government in the other place do not improve the status of our Parliament, which we are attempting to change and to modernize, but also to respect as it exists today.

As a senator, even though I was an MP for almost 30 years, I would be prepared to fight the members of the House of Commons if I believed that for the sake of the national interest it was necessary for us to stand up to their claims. But there comes a time in one's life when, after discussing, studying and analyzing, we arrive at the conclusion that we would like to have a bill that is different than that of the House of Commons. And that if the latter decided to disregard the opinion of the Senate, the senators would then have to decide if they would bow to the House of Commons or if they would continue to fight.

With respect to this bill, I have come to the conclusion that, after expressing our point of view, after hearing Senator Joyal — who was brilliant, as usual — suggest another option, after hearing the House of Commons' reaction, after analyzing their comments, which were in short supply but relevant to the bill, I would have no problem yielding to the House of Commons' wishes. Yet, I repeat, it is not because of the members' threats — which are common enough whether they belong to the Bloc Québécois or to the governing party — that I will yield. I find their comments on the Senate unacceptable because the Senate is an integral part of the current system. If people do not like it, they must discuss it publicly. They cannot make piecemeal changes.

• (1540)

I am looking forward to Senator Brown's arrival. I am sure we will have interesting discussions with him about his proposals for Senate reform.

After examining both sides of the issue and considering the proposals of Senator Joyal and others who feel we should not yield, I have concluded that in this case, I am not prepared to say that we have all of the answers. I will always be prepared to do battle with the House of Commons if it is in the best interest of

Canadians. Like it or not, it is our duty. However, in this case, I am prepared to yield to the House of Commons.

[English]

Hon. David P. Smith: Honourable senators, it is my intention to support this proposed legislation. I do not really feel good about doing so, but I shall do so, and I shall explain why.

I do not feel good about this because, personally speaking, I prefer the parliamentary system over drifting into the American checks and balances system. As well, if we go the route of Senate election, the same thing can be said — we may be back into the checks and balances system.

Our whole rationale for the parliamentary system at the moment is that you only form a government because you can get legislation through. It is very rare that this chamber goes to the wall and defies the other place. The committee work we do here, and I have sat in the other chamber as well, is stronger. They have more pressures time-wise, and I understand that, but the occasions where we defy them are very rare, and you are familiar with those examples. The reason for that, at the end of the day, is respect for the fact that they do have a direct mandate from the public.

Bill C-16 deals with the timing of elections. When this bill was first dealt with by the House of Commons, on the principle of having a fixed, four-year term, it was supported unanimously by all parties. I was surprised about that, but that is what happened.

When we passed the amendment to C-16 that was moved by Senator Joyal, and the bill as amended went back to the other place, both the Liberal caucus and the NDP caucus saw merit to the amendment. The government was in a defiant mood, and the Bloc, for whatever reason, backed them, so the amendment was rejected.

Honourable senators, it is one thing to have respect for the other place and some degree of deference, particularly when dealing with how people get elected to that chamber. That does not mean that we do not have the right to speak about it and to talk about our reservations.

As I have said, my reservations are fairly simple: I prefer the parliamentary system over the American system. I say with regret that, in my opinion, our Prime Minister believes that whatever happens in Washington is just wonderful. I do not happen to think that way.

Having said that, at the end of the day, I have great respect for this chamber. Were we to defeat this bill, I do not think we would get respect back from the other place. I think the Prime Minister would throw a tantrum, and I think he would unfairly characterize this place. I think he would vilify us. I have broad shoulders, and I can live with that, but I go back to the fundamental principle. The House of Commons dealt with this bill, and I am supporting it. The House with it twice, and I am showing respect for the fact that they did. I shall not abstain from voting. I shall be on the record as supporting the bill, in respect of what the House did unanimously on round one, but it is also important to me to have on the record my real thoughts, and I have now done that.

Hon. Consiglio Di Nino: Honourable senators, I shall take a few moments both to restate some of the things that have been said on this issue and to make further comments.

The substance of Bill C-16 was subject to a fulsome discussion and analysis in both chambers. At third reading, it received all-party support in the other place. That house of Parliament, in effect, approved this piece of legislation and sent it to us for our consideration.

In the Senate, apart from the amendment, the bill garnered agreement on both sides. The amended Bill C-16 was then returned to the other place for their consideration.

Bill C-16 as originally passed was once again accepted by our colleagues in the other place — in other words, the amendment was rejected as being unnecessary. A message informing us to that effect was sent on April 23, 2007.

Honourable senators, the subject matter of the proposed legislation deals with fixing the date of future elections for members of the other place. I want to make sure that we put that on the record: The bill fixes the date of future elections for members of the other place, who twice pronounced their support with their votes.

As our honourable colleague Senator Segal said last week, surely we have some modest obligation to respect the democratic will of the other place, which has sought passage of Bill C-16 on a multi-party basis. Surely, there is some deference to be shown to our elected colleagues, to repeat the term that Senator Smith used a few moments, particularly when the subject matter is of direct consequence to them.

The rationale for this bill was thoroughly discussed and ably advanced by the government, in my opinion, as well as by a good many witnesses who appeared in committee in both houses. Indeed, a sizable number of advantages were described that will contribute to enhancing our democracy. I shall not repeat them. They are well documented in *Hansard*.

Some honourable senators have questioned the constitutionality of Bill C-16. For the benefit of those who were not present at the hearings of the Standing Senate Committee on Legal and Constitutional Affairs, it should be noted that both Professor Peter Hogg and Professor Patrick Monaghan, two of our country's most renowned experts on constitutional law, lent their weighty support for this bill.

At committee, Professor Hogg said that there would be no impact on constitutional conventions, that there would be no need to amend the Constitution to enact the proposed legislation, and he identified no infringement on the principles underlying our system of responsible government.

Professor Monaghan, the dean of Osgoode Hall Law School, offered a similar opinion, going even further by stating his unequivocal support for the policy of the bill, not just its constitutionality.

I think it is worth repeating Professor Milner's testimony. He said:

It may seem rather a simple point to make, but it is useful to make among people who spend their time inside the walls of

Parliament that elections are really for people, for voters, for citizens and only secondarily for politicians.

He then added:

If you are a citizen, you would like to know when the next election will take place. It is as simple as that.

Honourable senators, last Thursday, Senator Banks said:

... the main question before us concerns the matter of the amendment because this house agreed with the bill, as amended.

• (1550)

I concur wholeheartedly and thank the honourable senator for that comment.

Our colleague, the learned Senator Joyal, has spoken eloquently and with passion about the concern giving rise to the amendment. I believe his intentions are well motivated. Certainly he and others deserve our respect and consideration for that. Once again I must respectfully disagree with the need for the amendment.

Last week Senator Joyal quoted the Chief Electoral Officer, Jean-Pierre Kingsley, who appeared at committee. It was indeed an accurate quotation, but later in the hearing our honourable colleague, Senator Oliver, put the following to Mr. Kingsley. He said, in reference to the amendment to subsection 56.2(1) contained in Bill C-16, and I quote:

It seems that "suitable for that purpose" is the main discretion given to the Chief Electoral Officer, and "suitable for that purpose" is extremely broad language to encompass any of the contingencies that Senator Joyal talked about.

Quoting Senator Oliver:

When you look at the two words, first "including" but even more importantly, "suitable for that purpose," surely that wording is broad enough to encompass the contingencies and gives generous discretion to the Chief Electoral Officer. Would you agree?

In response to the question, Mr. Kingsley replied, and I quote:

There is no reason to disagree, senator.

Honourable senators, the fact is that the examples of what might be "unsuitable," including being in conflict with a day of cultural or religious significance, or provincial or municipal election, by virtue of the normal rules of statutory interpretation are only illustrative and do not exclude other reasons. Surely there is nothing more analogous to a provincial referendum than a provincial election, and so the former is easily covered within the four corners of the bill.

The bill also gives the Chief Electoral Officer great discretion and gives him maximum flexibility to recommend a change of date, and therefore precludes the need for any amendment.

I respectfully urge all honourable senators to agree with the message sent by the other place. Obviously we did not, but I hope that all honourable senators will agree to embrace this important contribution to democratic renewal.

Senator Cools: Will the honourable senator take a question?

I did not attend those Senate committee meetings. In respect of the testimony of Professor Hogg and Professor Monahan, could the honourable senator tell me when last he knows of a situation where they disagreed with the government of the day?

Senator Di Nino: I do not know.

Senator Cools: Are there many constitutional lawyers who are not in the employ of the government?

Senator Di Nino: That is an insult to the two professors for whom we have a great deal of respect, and I will not answer that question.

Senator Cools: My second question was not about the two professors whatsoever. Active imagination by itself cannot convert my question. The fact of the matter is that any lawyer who sets out to study constitutional law knows at the end of the day there are only two jobs for him; teaching or working for the government. Trust me; go talk to the constitutional lawyers.

My other question has to do with the role of the Chief Electoral Officer. I am sure honourable senators know that the Senate has always been deferential to the notion that the House of Commons has a great interest in the running and the administration of elections. As a matter of fact, we support that.

In point of fact, the administration of elections used to take place under the supervision of the Speaker and the clerk of the Crown in chancery. That was changed in 1920 with the creation of the Chief Electoral Officer. For a long time thereafter, the notion has always been that the Chief Electoral Officer is a servant of the House of Commons, because he replaced the House in its task.

It is crystal clear to me that many of these recent initiatives are altering or changing the constitutional position of the Chief Electoral Officer. My question to the honourable senator is the following: Is it desirable that the Chief Electoral Officer, as time goes by, becomes less the servant of the House of Commons and Parliament and becomes the servant of the government?

Senator Di Nino: That has nothing to do with this bill. Nothing in this bill changes the role and responsibility of the Chief Electoral Officer.

Hon. Tommy Banks: We seem to be in confessional here about what we will do. When I first read and heard about this bill, I naively arrived at the conclusion that I opposed it. Then I realized that I had made a mistake; I was not naïve, or at least my naïveté led me to the same conclusion as people who are not, who know better than I.

Senator Di Nino and Senator Cools both invoked the primacy of the electorate, the citizen in this case, and arrived at different conclusions. That is one of the glories of our system. It is to the glories of that system that I first naïvely, and now with substance, defer, having heard what Senator Atkins, Senator Murray,

Senator Cools and Senator Prud'homme have said. Having reconsidered the matter more in that light, I will vote against the motion. This is a bad move. This will change the dynamic of Parliament. It will not necessarily be for the better.

We will rue the day if we pass this legislation. As I have said before, we are trying to graft the beak of an eagle on to a beaver, and it does not work. To the extent we do that, even though it is not a constitutional question, we are changing the fundamental way in which this place operates. We did not figure that out last Thursday. It has taken 800 or 900 years to get to the point of our system working as well as it does.

I am utterly convinced by the arguments I have heard today that my original naïveté was correct, and I will vote against the bill.

Senator Di Nino: The issue we are dealing with here is really the amendment. Is the honourable senator saying this amendment will change the way we fundamentally do things in this Parliament?

Senator Banks: We have already voted on the amendment. I believe we are voting on the motion of Senator LeBreton. If that is not the case, then I am apologetically wrong.

Hon. A. Raynell Andreychuk: I wish to add a few words on the issue of the amendment, which is really the subject matter of this motion.

I believe that the bill, in principle, was passed by this house. If we are now choosing to reverse ourselves it will be rather interesting to go that route.

• (1600)

I wanted to discuss what the committee in the Standing Senate Committee on Legal and Constitutional Affairs dealt with, and what I believe Senator Joyal's motion was about, whether we include the word "referendum."

The Chief Electoral Officer was given the authority, in this bill, that if we chose to have a fixed date, which I believe we the Senate had, then, there would be the ability that the Chief Electoral Officer could defer from that date, including, by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election.

The issue was that the four examples were illustrative of the types of issues that the Chief Electoral Officer could put his mind to. It did not preclude deferring an election because of a referendum. He certainly would have the full discretion to do so.

What was not canvassed, I believe, on the floor of the Senate, which was addressed in committee, was the issue that the Chief Electoral Officer had that discretion and that even in the four categories that are listed, the fact that there is a culturally or religiously significant event or a provincial or municipal election, does not preclude a federal election proceeding. It is only if the Chief Electoral Officer thought it would inhibit, in his words and in the words of other witnesses, the fundamental reason for having the election and that is that some citizens might be impeded from being able to exercise their democratic rights, which is a fundamental element in our Constitution. The

overriding responsibility of the Chief Electoral Officer, both in our country and when he goes to teach around the world, is to ensure free and fair elections.

A fixed date for elections will not inhibit and might improve the electoral process.

If there is a cultural or religious event or a provincial or municipal election, the Chief Electoral Officer could defer the election, as he could with other issues that are not enumerated here.

The reason I would not put in the word "referendum" is that it is a new and evolving issue. We are not sure when and how elections will be intruded on by a referendum. If it is to the extent that we cannot have a free and fair election that some people might be impeded from voting, then I believe the Chief Electoral Officer would defer to another date not to conflict with the referendum.

Equally, there are jurisdictions when referendums are held in conjunction with dates to expedite a more efficient system. I believe the discretion resting in the electoral officer is correct.

When Senator Joyal put to Mr. Kingsley what he thought if a referendum were specifically indicated, Mr. Kingsley replied that if there was a political wish to include referendums, then they would be included as well, but referendums would be covered in this bill rather than amending the section on unforeseen events.

In other words, you can take it in; you do not have to have it specifically. He said it was a political choice. I think we made a choice by majority, not unanimously. The House has come back, politically, to say they do not believe it should be there constitutionally, legally or politically. Therefore, it is time to pay heed to that.

Finally, the Chief Electoral Officer, at any time, has the right on any unforeseen events that come up during the course of the call of an election or the process of an election to stop or delay the election.

There is nothing in this bill that precludes that full power and consequently, I believe that there has been an expression by the House of Commons, an expression by many people that the fixed date would facilitate Canadians in an election and I for one do not see why we should intrude on this point by the amendment.

However, with respect, Senator Joyal felt differently. I think we had our say. The House has responded and I believe it is time to move on.

Senator Cools: Will the honourable senator take a question?

Senator Andreychuk: I will try.

Senator Cools: Despite all the assertions to the opposite, the real limitation that this bill is imposing is on the Royal Prerogative, on Her Majesty and the Governor General.

Basically what this bill is saying, and it is a haughty piece of legislation, is that Her Majesty or Her Majesty's representative, the Governor General, cannot take certain actions and will be

prohibited in the future. This bill is an instruction, believe it or not, to the Governor General and to Her Majesty. Some bills speak to different sectors of the population. This one is speaking to Her Majesty.

Since Senator Andreychuk is a lawyer, has the government consulted with Her Majesty or with the Governor General in the production of this bill and in the prosecution of it?

Senator Andreychuk: I will not speak to what extent the government consulted with the Governor General. The Legal and Constitutional Committee's record speaks for itself.

I do know, that the honourable senator was there and raised the issues at one of our meetings and it was clearly constitutional, that we are not infringing on any of the Governor General's rights. The evidence was satisfactory that the amendment, which is what we are dealing with here today, and the consequent motions that come from that do not in any way infringe on the Governor General's rights.

Senator Cools: It does actually.

I was not at any of these committee meetings. The meeting she is speaking of was on Bill S-4 when I asked the gentleman from the Privy Council if the government had consulted with Her Majesty in respect of Bill S-4 and their response was a clear "no." I did not attend any meetings on this particular Bill C-16.

I reviewed some of this testimony. An authority on the law of Parliament has not been brought before a committee for years and I am speaking about the exclusive law of Parliament, which is this law here. There are not that many of them alive any more. There are not too many authorities on that and the governments of the day have made it a habit and a practice now to discourage mastery of the law of Parliament among its own members and to develop what we call internal in-house authorities on the matter. I had the great privilege of serving alongside Professor John Stewart in difficult constitutional times and I remember the caucus that I was then serving in being always satisfied that it had in house the finest mind of the law of Parliament. Two areas of law which are the most neglected and understudied, yet are the most prolific in daily use, are the law of prerogative and the law of Parliament.

Would Senator Andreychuk give us some constitutional authority for her statement that this bill does not impinge on the Royal Prerogative?

Senator Andreychuk: As I indicated, I thought Senator Cools had been at this meeting and I certainly withdraw that. Certainly, others questioned whether this would affect the Governor General's rights in any way and I think we were satisfied in the committee — at least I was — that it did not. I will not speak for the rest of the committee.

• (1610)

The record of the Standing Senate Committee on Legal and Constitutional Affairs speaks to the question and is answered there. As I indicated, at this point, it is not reopening the bill that I am dealing with, but the amendment per se.

Senator Cools: Will this bill support and foster the continuing constitutional notion that a governor general has a duty to dismiss a prime minister who is unworthy or guilty of misconduct, and to select a new prime minister temporarily until an election can be held? Does this bill support that notion or does it undermine it?

Senator Andreychuk: This bill does not interfere with any of the rights and responsibilities that the Governor General has, and has had, by way of the Constitution.

Senator Cools: How can it be, in the instance if a prime minister has to be dismissed? In the literature, a prime minister has not been dismissed for a little while, but there have been many near dismissals in the last 20 years, as outgoing lieutenant governors have talked about them.

The question I am asking the honourable senator is that if there was a case of personal misconduct on the part of a prime minister, which the caucus was willing to forgive, but the Governor General thought it was offensive. Could the Governor General dismiss the prime minister, select a new prime minister and then grant the new prime minister a dissolution despite fixed dates? There would be no issue of confidence here. Could such be done by this bill?

Senator Andreychuk: I simply reiterate that this bill does not in any way, in my opinion, affect the Governor General's rights and prerogatives as they now stand.

Senator Cools: Read it again.

Hon. James S. Cowan: I share many of the concerns that Senator Murray and Senator Atkins have expressed about this bill. I do not think there is anything about our system that needs to be fixed in this way; I think it is gimmickry.

However, for the reasons that my friend Senator Smith has set out and following his logic, I will be supporting this bill. Nevertheless, I certainly do share the concerns that have been expressed by others.

Senator Comeau: Question!

The Hon. the Speaker: Are honourable senators ready for the question on the motion?

It was moved by the Honourable Senator LeBreton, P. C., seconded by the Honourable Senator Comeau:

That the Senate do not insist on its amendment to Bill C-16, An Act to amend the Canada Elections Act; and

That a Message be sent to the House of Commons to acquaint that House accordingly, and

In amendment, by the Honourable Senator Hervieux-Payette,

That the motion be amended by adding after the word "accordingly.", the following:

"However, the Senate expresses its regret that the House of Commons provided no sound reasons to refuse the

Senate amendment to Bill C-16, which was clearly in line with the objective of the Bill."

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The bells will ring for 30 minutes.

• (1640)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Bryden
Callbeck
Campbell
Chaput
Cochrane
Comeau
Cook
Cordy
Cowan
De Bané
Di Nino
Downe
Eggleton
Fairbairn
Fraser
Goldstein
Hays
Hervieux-Payette
Hubley
Jaffer
Johnson

Keon
Lapointe
LeBreton
Meighen
Merchant
Milne
Mitchell
Nancy Ruth
Nolin
Pépin
Peterson
Poulin
Prud'homme
Segal
Smith
St. Germain
Stratton
Tardif
Tkachuk
Trenholme Counsell
Watt
Zimmer—44

NAYS THE HONOURABLE SENATORS

Atkins
Banks
Biron
Cools
Corbin
Day

Kenny
McCoy
Mercer
Moore
Murray
Spivak—12

ABSTENTIONS
THE HONOURABLE SENATORS

Adams
Furey
Joyal

Mahovlich
Munson—5

• (1650)

CANADA PENSION PLAN
OLD AGE SECURITY ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Tkachuk, for the third reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

Hon. Jane Cordy: Honourable senators, it is a pleasure to speak today at third reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

Bill C-36 should help to enhance the accessibility of benefits for our seniors and for those who are disabled. It will modernize the delivery of services for those who are receiving Canada Pension, Old Age Security and the Guaranteed Income Supplement.

Income security is an important concern for all Canadians, but for seniors who are on a fixed income and for those who are disabled and no longer able to participate in the workforce, income security becomes a major concern.

Canada should be proud of its achievements and the progress made regarding the welfare of Canada's senior population. The financial status of seniors in Canada has improved considerably over the past 25 years. The Old Age Security Program, the Guaranteed Income Supplement and the Canada Pension Plan have contributed to this improvement.

According to Statistics Canada, the percentage of Canadian seniors living in poverty in 1980 was 21 per cent. In 2004, this percentage dropped to 5.6 per cent. Honourable senators, this improvement in the financial status of our seniors is a very positive thing. We must, however, look more closely at this 5.6 per cent to determine the best policies to reach those seniors who are still in need financially.

Single seniors are 10 times more likely to live in poverty than those seniors in a family. Furthermore, single women are twice as likely as single men to be living in poverty. More senior men tend to have income from private pension plans than do women. Many women have interrupted their careers due to family responsibilities and they tend to occupy lower-paying jobs with no private pension plan as a result.

The reality is those who do not have private pension plans or investment income have the lowest incomes and are far more dependent on government support.

According to the recent Statistics Canada report, *New Frontiers of Research on Retirement*, the current structure of Canada's pension system does not match with the irregular work patterns

typical of the modern working woman; rather, the system was developed to meet the needs of the male worker who was the lone breadwinner supporting a family.

I believe it is important that we look more closely at the dynamics of retirement for women. Further improvements to the act in the future should reflect the lives of Canadian women and also men who are living in poverty.

Honourable senators, this bill eliminates the need for seniors to have to reapply for the GIS if their income situation changes. This is a very positive step. Seniors will apply once and their records will be modified, if need be, through their yearly tax return. This is a positive step because it will provide seniors who are eligible but do not reapply, for whatever reason, to receive benefits. The only concern I have on this issue is that the change does not consider those who do not file a tax return.

Honourable senators, there are good programs for Canadian seniors. We have one of the best retirement income systems in the world. We know that Prime Minister Chrétien and his government put in place measures to ensure stability of the CPP and the OAS programs for at least another 75 years.

However, honourable senators, I am concerned that too many seniors are unaware of the benefits to which they are entitled. According to some sources, close to 320,000 eligible seniors are not in receipt of their GIS benefits. Why is this? I am not certain, but there are a number of factors to consider: isolation of seniors living alone, language or cultural reasons, lack of grassroots outreach programs to educate seniors, literacy issues and so on.

At the Standing Senate Committee on Banking, Trade and Commerce, when I questioned Minister Solberg on the importance of educating seniors about the benefits available to them, he stated that the department continues to take steps to address these concerns. It would be interesting to have a study from the department to track what programs work best to inform seniors and, for that matter, all Canadians about accessing government programs for which they may be eligible to receive benefits.

Honourable senators, Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act, is a positive piece of legislation which will help seniors and those with disabilities to better access the system. The bill is a step forward, but we must continue to work to ensure that the number of Canadians living in poverty continues to decline.

The Hon. the Speaker: Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

FIRST NATIONS LAND MANAGEMENT ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Gerry St. Germain moved second reading of Bill S-6, to amend the First Nations Land Management Act.

He said: Honourable senators, I rise today to express my support for Bill S-6, which was tabled in this place on April 25.

As the title suggests, this bill incorporates changes to the First Nations Land Management Act, or FNLMA, so that First Nations in Quebec can implement economic development projects and realize their dreams for their communities.

I would like to draw honourable senators' attention to the content of Bill S-6 and the benefits of the First Nations Land Management Act in the hope that they will support Bill S-6 and ensure its prompt adoption into law.

In the early 1990s, 14 First Nation chiefs initiated discussions with the Government of Canada on the issue of management of lands and resources in their communities. This group of First Nations chiefs desired greater autonomy to develop larger-scale resource development plans, such as residential, commercial and industrial projects.

Determined to expand their economies on behalf of their community members, they worked in partnership with the Government of Canada to develop a governance mechanism that would allow them to be exempted from certain property provisions of the Indian Act.

In 1996, the 14 chiefs and government representatives signed the Framework Agreement on First Nations Land Management, which establishes the basic guidelines that would allow First Nations greater flexibility with respect to land management.

The Framework Agreement was endorsed in 1999 when the First Nations Land Management Act was passed. However, the Framework Agreement was drafted in accordance with common law legal principles only, because the initial group did not include representatives of the First Nations in Quebec.

This state of affairs complicated access to the Framework Agreement for Quebec First Nations communities. One of these communities, the Essipit Innu First Nation, expressed interest in participating in the Framework Agreement in 2004, thus making it imperative that amendments be included in the First Nations Land Management Act to reflect legal concepts specific to civil law in force in Quebec.

• (1700)

Honourable senators, Senator Gill and I sat down with the Essipit Innu First Nation and discussed this very issue. I believe the other side has been fully apprised of the need for this legislation.

Honourable senators, Bill S-6 contains these amendments and will pave the way to self-determination and opportunities for prosperity for Quebec First Nations. Allow me to highlight the merits of Bill S-6. First Nations communities establish their own priorities and determine for themselves the methods they will use to improve their economic and social conditions with their choice of partners. By participating in the framework agreement, the First Nation acquires the necessary legislative tools and governance mechanisms to manage its own on-reserve lands and resources.

Any First Nation interested in participating in the framework agreement must draw up its own land tenure system and have it ratified by its members, whether or not they live on reserve. Once

endorsed, the land tenure system has the force of law. While the First Nation develops its land tenure system, it and the federal government negotiate a separate agreement in order to determine the terms and conditions for transferring the administration of land management and funding of operations.

Within its land tenure system, the First Nation develops laws that enable it to effectively manage its lands and resources, that is, laws pertaining to the environment, dispute settlement and conflict of interest.

The framework agreement is administered by the lands advisory board which works in partnership with the Department of Indian Affairs and Northern Development. The advisory board includes the chiefs of First Nations that have become fully operational since becoming participants in the framework agreement. There are currently 47 First Nations participating in the framework agreement. Of these, 17 have had their land tenure systems ratified by their communities and are actively implementing innovative employment-generating projects. Bill S-6 expands the scope of the First Nations Lands Management Act and promotes the economic, social and cultural vitality of First Nations in Quebec.

Honourable senators, I encourage you to support this bill. It is much sought after by our Quebec First Nations people. Any delay would be detrimental to them and their communities.

On motion of Senator Peterson, debate adjourned.

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill C-294, to amend the Income Tax Act (sports and recreation programs).—(*Honourable Senator Tkachuk*)

He said: Honourable senators, I would like to speak to Bill C-294, to amend the Income Tax Act with regard to sports and recreation programs.

I believe we would all agree that there is nothing as quintessentially Canadian as hockey, except perhaps taxation. This bill touches on both of these Canadian preoccupations. In doing so, it demonstrates how integral both are to the Canadian way of life. The difference between them is that hockey gives us so much and overreaching taxation takes so much away.

It is a sad day in Canada, honourable senators, when the taxman, who cannot keep his hands out of Canadian pockets, extends that reach to junior hockey players, especially those who play Tier 2 hockey. However, that is precisely what happened a few years ago in Saskatchewan. In 2003, the taxman decided that the money junior hockey players in my province were getting for room and board should be declared as a taxable benefit. These junior players, who leave .hearth and home to play hockey elsewhere than their hometown, are now being sent to the penalty box for their efforts. The taxman has decided to penalize them.

With one hand we encourage young people to participate in sports, even providing their parents with tax credits in order that they can do so, and with the other hand we penalize them when they do.

Junior hockey in this country is a vehicle by which many young men become professional hockey players. If just one of these young men makes it to the NHL — and many have — and plays for a Canadian team, he will be paying plenty of taxes, probably more in even a short career than you or I will make in a lifetime, and no doubt more than the CRA is likely to collect from this punitive and petty tax.

Let us say that in a lifetime of this tax — and if the CRA had its way it would be a long lifetime — perhaps one player who would have played for the NHL is unable to do so because of this tax. Perhaps he has to stop playing junior hockey for either personal financial reasons or because his team folds. Many of these teams are financially strapped. Remember, Tier 2 hockey is not Tier 1 hockey. Tier 2 teams in Saskatchewan are not privately owned in all cases and are non-profit teams. They are normally owned by the community or non-profit organizations. How much will the CRA be forgoing in future revenue in an effort to collect what it does now?

The Saskatchewan league has been advised that the CRA is following similar practices with regard to other Tier 2 teams in junior hockey leagues all across Canada. There are roughly 130 Tier 2 junior hockey teams across Canada that operate on the same basis as the Saskatchewan Junior Hockey League.

Tier 2 hockey is not only a place for young men to hone their skills to play Junior A hockey, to perhaps take the leap into semi-professional or professional hockey, or even to play professional hockey in the NHL. It is also a major vehicle for many young men in this country to get scholarships to an American university. Technically, under this tax measure, Tier 2 team players are ineligible for such scholarships because they are now considered employees getting paid to play sports. If you play sports professionally, even junior hockey, and are deemed to be playing so, you are not eligible for a U.S. scholarship. That is why many good young players decide to play Tier 2 hockey rather than Junior A hockey. In that way they can get noticed by one of the great American universities that have significant hockey programs. Those universities watch Tier 2 hockey players and give scholarships to the ones who are gifted athletically as well as, hopefully, academically.

Bill C-294 received all-party support in the other place. If enacted, it would amend the Income Tax Act to allow these athletes to exclude room and board allowances of up to \$300 per month for their income calculation, thereby relieving them of this unfair tax. Three hundred dollars a month is not a great deal of money. That is probably how much a parent would give a young man who was remaining at home. I would say the team that is paying \$300 for room and board is getting a deal, if you know what a 14, 15 or 16-year-old eats in your home, and many of you know what that is like.

• (1710)

A similar bill was introduced in 2004. Like this one, it had passed the House and made it to the Senate, but it died on the Order Paper when the election was called. I ask honourable senators to support this bill at second reading to allow these young men to receive an allowance free from taxation, an allowance hardly any greater than that some of their peers are no doubt getting from their parents at home. I ask all honourable senators to give support to this bill and send it to committee as quickly as possible.

Hon. Jane Cordy: Would the honourable senator take a question?

Senator Tkachuk: Certainly.

Senator Cordy: I appreciate the honourable senator bringing this to our attention today at second reading. I admit I have not read the bill. He referred to young men; is this bill specific to young men in hockey?

Senator Tkachuk: It is referring to young men because young men are playing Tier 2 hockey right now. I am sure that if a young woman made the Tier 2 hockey team, she would face the same circumstance they do.

Senator Cordy: Again, I have not read the bill. Is it specific to Tier 2 hockey, or is the bill for any athlete, male or female, who may be paying board and residing in another part of the country?

Senator Tkachuk: Right now, they have ruled on junior hockey, so this bill specifically excludes them from taxation.

Senator Cordy: Just for my clarification, currently we just have young men playing junior hockey, so currently this bill is very specific.

Senator Tkachuk: It is very specific, yes. It is gender neutral, but it is young men who play junior B hockey. That is the way it is.

On motion of Senator Mahovlich, debate adjourned.

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, that the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.—(Honourable Senator Corbin)

Hon. Peter A. Stollery: Honourable senators, this item was to have been stood in my name. I would ask that it be stood in my name instead of Senator Corbin's name.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on National Security and Defence (subcommittee's attendance at the 90th Anniversary of the Battle of Vimy Ridge), tabled in the Senate on April 24, 2007.—(*Honourable Senator Day*)

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, the fourteenth report of the Standing Senate Committee on National Security and Defence actually relates to the Subcommittee on Veterans Affairs. It is, in fact, the report of the subcommittee's attendance at the ninetieth anniversary of the Battle of Vimy Ridge and the dedication of the restored Canadian National Vimy Memorial over the Easter weekend of this year, April 7, 8 and 9.

Honourable senators, on Saturday, April 7, members of your committee and other French and Canadian dignitaries attended the internment services of a First World War soldier. The remains had been found in an unmarked grave. Through modern science, DNA in particular, and very good investigative work, the remains were identified as those of Private Herbert Peterson.

Senator Banks: An Albertan.

Senator Day: An Albertan indeed. He was a member of the 49th Battalion Canadian Expeditionary Force, and he was killed during a raid that took place on the nights of June 8 and 9, 1917.

Senator Banks: That was the Royal Edmonton Regiment.

Senator Day: Representatives of the successor regiment from Edmonton were in attendance at this committal ceremony at the Chaudière military cemetery very close to Vimy. That was a very moving ceremony, honourable senators.

The next day, church services took place at a church in Arras. Honourable senators will be pleased to know that Adrienne Clarkson was in attendance, along with her husband. She has been appointed and was in attendance as the honorary colonel of the regiment of the Princess Patricia's Canadian Light Infantry. She succeeded Countess Mountbatten, the daughter of Lord Mountbatten. This is the first time a Canadian has held this distinguished position of honorary colonel of the regiment. It is indeed an honour, and you may want to congratulate her when you have the opportunity to do so.

Honourable senators, on Sunday afternoon, your committee attended what can only be described as a very moving and interesting ceremony entitled the Freedom of the City, a ceremony that was given by Arras, France, to the Canadian battalion in attendance. This is the most significant honour that the community can bestow to a military unit, and we were in attendance for this. It was a very interesting ceremony indeed, honourable senators.

During the reception following the Freedom of the City ceremony, we attended a reception by the town of Vimy, a small town near Vimy Ridge. I was struck by the fact that their coat of arms has the Canadian maple leaf incorporated into it,

recognizing the contribution that Canadians made to their community those many years ago.

Honourable senators, the Freedom of the City on that same day was led by three mounted RCMP officers, followed by Canadian Forces contingent in attendance and representing the four divisions of the Canadian corps that fought at Vimy Ridge that Easter some 90 years prior to the particular occasion when we were there.

Finally, honourable senators, on Monday, Easter Day, your committee had the honour of attending the commemoration ceremony at Vimy Ridge and the dedication of the restored memorial. In excess of 5,000 students were in attendance, plus, as would you guess, many others from the community and from Canada, indeed.

One of the students is from Ottawa. She is 17 years of age. Her name is Alex Emanuelli. Like each student, she was required to research a soldier. Her soldier was Private Mather. She researched and found out about his family. He was also a Canadian infantry member from the Alberta regiment. She learned that he had written his will only days before. He left all his worldly possessions to his mother. He was 22 years old, unmarried, a private. She was very touched by the research that she performed and the information she was able to gather. Each student did likewise, and they were very moved by the research they were asked to do as part of the Canadian contingent. This is the same kind of work and the same kind of research that is done by students in Holland with respect to Canadian graves.

• (1720)

You can meet students in Holland if you happen to visit a grave when the student is there, and that student will tell you that that is her soldier and she looks after that. She can tell you all the history of that soldier and ensures that grave is properly attended to. It was a very moving and touching tribute to the sacrifice made.

Honourable senators, in conclusion, I wanted to let you know that we, as your committee, attended all the events. The presence of parliamentarians at the events was very much appreciated. If I may say so, the presence of senators at those events was particularly appreciated. We have been involved in Veterans Affairs matters for some time and are recognized and known by a number of the veterans and their associations.

The difficulty that we had is we almost did not attend. In the past we have relied on being invited by Veterans Affairs Canada as part of the contingent. Honourable senators will recall that we only got approval a few days before the event took place. The post-mortem of this particular event, and looking back at lessons learned, is that as a committee, and as a Senate, in the future we should not rely on being invited by the minister or the government department, but we should be represented as a group, as the Senate. I am hopeful that will be the approach we take in the future with respect to these very worthwhile activities with respect to veterans' affairs.

Honourable senators, I trust that you will accept the report and that you will accept the recommendations made.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Cowan*)

Hon. Yoine Goldstein: Honourable senators, Senator Dallaire, Senator Segal and others have spoken with great eloquence in connection with this inquiry on Darfur, which started almost a year ago in this place.

My statement today is part of a series of interventions being made both here and in the other place by the recently formed All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity. We are a group of some 30 parliamentarians, many from this chamber, from all parties, who are trying to make sure that situations like Darfur not be lost in the crush of other important issues that face this body each day. Although we were only formed last fall, so far we have had the UN special adviser for the prevention of genocide speak at Parliament, we have hosted a panel on genocide prevention at Carleton University and next week we will be hosting consultations with civil society groups active in Darfur. I hope honourable senators will be able to join us, and invitations will be sent out for that event.

I begin by taking personal responsibility for my lengthy and unpardonable silence. I could have spoken out on this conflict last year, or even in 2003, when it first began. I could have and should have risen in this chamber each day we met and demanded that the government take further action. I could have and should have taken steps to ensure that the issue receives attention in the Canadian media, like fasting for a day on the lawn of Parliament, but I did not. I did not do any of these things. Therefore, before blaming anyone else, I must acknowledge my own responsibility.

Darfur is not an African problem; it is not a European problem; it is not a Canadian problem. It is a human problem of monstrous, titanic proportions. It is not important whether one feels the situation is a true genocide or an instance of war crimes or a case of massive crimes against humanity. No matter what we call it, we know the horrific face of the problem; the slaying of 200,000 to 400,000 innocent human beings, the 2 million to 3 million displaced people, and up to 4 million people who desperately need humanitarian aid, the dozens of thousands of rape victims, widows, orphans, desperately trying to survive. Every fifth child in Darfur suffers from acute life-threatening malnutrition. They lack health services; there is no sanitation to speak of, and could I go on.

The problem is not diminishing. It is in the process of spreading throughout Chad, to the Central African Republic, which now hold hundreds of thousands of Darfuri refugees and are facing a strain on their own stability.

Earlier this year the International Criminal Court reported that it had found sufficient evidence to recommend the prosecution of Ahmed Harun, Sudan's former Minister of State for the Interior, on 51 crimes against humanity and war crimes for his activities in Darfur from 2003 to 2004 and onwards.

There are two aspects to this problem: The political-military problem and the humanitarian problem. They are intimately involved or interconnected but discrete. The extent of the military catastrophe is well-known, as is the fact the Sudanese government has been centrally and essentially involved in committing and facilitating these atrocities. The Government of Sudan has failed to take the necessary steps and measures to protect its own civilians. The "Responsibility to Protect" doctrine, which was developed under Canadian leadership and adopted by the 2005 World Summit at the United Nations established that "if states are unable or unwilling to protect their populations from gross humanitarian abuses or if they fail to halt such abuses, the international community has a responsibility to protect, which implies armed intervention" if necessary.

Our success in achieving a solution in Darfur will be the litmus test of whether the Canadian sponsored "Responsibility to Protect" doctrine is meaningful or meaningless. It will also determine whether humanity will finally be willing to take the kind of action required by the phrase "Never again."

Sudan's agreement three weeks ago to allow an additional 3,000 United Nations troops to supplement the ill-trained and ineffective African Union mission is clearly not enough. Sudan agreed to that precisely because it knows it is not enough. The United Nations has demanded the deployment of 20,000 additional troops; the minimum required to bring even a minimum order to the present chaos.

Humanitarian aid is desperately needed, but regrettably is not forthcoming. Recently, within the past number of weeks, Oxfam reported that it needs at least 5 million pounds to provide temporary food and rudimentary sanitation to only 500,000 of the 4 million people needing assistance.

However, perhaps the most frustrating and intolerable part of the situation is that while the people of Darfur starve and die and are displaced, Sudan's elite are enjoying the benefits of the greatest economic boom in the country's history. Despite only starting to export oil in 1999, Sudan has now become Africa's third largest oil-producing country, with the rate of production continuing to grow, thanks to investment from China.

Perversely, the Sudanese government has received international praise for its sound macroeconomic policies and it is now predicted that the country's economy will grow between 11 and 12 per cent this year.

A construction boom fuelled by investment from North Africa, the Middle East and China has now begun in the capital of Khartoum with \$4 billion in construction projects poised to transform the city into a new Dubai full of office towers, shops and hotels waiting for tourism.

• (1730)

The Government of Sudan will have absolutely no incentive to even think about stopping the conflict so long as its prosperity continues to rise. We must be willing to engage in an economic boycott of Sudan and the companies that do business with it.

A number of the larger international firms, including Siemens and Rolls Royce, have already pulled out of Sudan in response to pressure from civil society. An international divestment campaign is quickly gathering steam with six American states having already adopted divestment legislation and 20 more considering it.

In Canada, Queen's University reacted to lobbying from its students by selling its investment in two Chinese oil firms that were doing business in Darfur. We have to build on these examples and make sure the world knows that there will be a price to pay for those willing to do business with the Government of Sudan.

Canada has made some contribution towards addressing both the political-military and the humanitarian aspects of the problem. Former Prime Minister Martin appointed Senator Jaffer as Canada's special envoy to the peace process in Sudan in order to show high level Canadian engagement on the issue. Canada has recently supported UN Security Council resolutions to impose sanctions against persons involved in the conflict and to refer the matter to the International Criminal Court.

In terms of physical resources, Canada has supported the African Union mission with military advisers and close to \$200 million in financial and material aid and we have provided or pledged nearly \$150 million Canadian in humanitarian aid.

These contributions are insufficient but they are at a least a beginning.

Honourable senators: Qui s'excuse, s'accuse — whoever abstains is guilty.

What can we do and what should we do? I propose that the Government of Canada adopt the following 10-point plan to make a meaningful difference in the situation in Darfur. Two weeks ago, I made this proposal in the presence of Senator Milne and Senator Fraser at the Parliamentary Assembly of the Council of Europe which, as I understand it, will be acting on these 10 points in June.

First, we must specifically put pressure on China. China is the paymaster of the Sudanese government. How do we do that? PetroChina and China Petroleum together supply the bulk of the cash flow required by Sudan to continue doing what it is doing. We should pressure China to in turn pressure their state-owned companies by suggesting that if they continue supplying funds for purposes of killing people, we would encourage a boycott of the Beijing Olympic Games. This suggestion has already been made internationally by French Presidential candidate Ségolène Royal. We should also put pressure on the businesses that are active in Sudan by supporting the international divestment campaign and by denying entry to our ports of any ship known to have been used to ship oil from Sudan.

Second, we should pressure Sudan to accept the third phase of the United Nations initiative, the deployment of 20,000 peacekeepers, together with the appropriate military

material. These troops must be accompanied by appropriate military equipment, including a fleet of aircraft to enforce a no-fly zone, which would prevent the Sudanese from bombing and strafing human beings and destroying villages from the air.

Third, the present mandate of the African Union mission expires at the end of June, in 60 days. Pressure must be brought to bear now on the Sudanese Government to agree to its renewal.

Fourth, the Sudanese people who have committed war crimes and crimes against humanity should be immediately apprehended by any member country and brought to trial, both as a punishment and to deter others from similar behaviour.

Fifth, the International Monetary Fund, the World Bank and other international financial institutions should force Sudan, as a condition of continued aid by them, to undertake verifiable commitments to stop the genocide or forgo this international aid.

Sixth, we must continue ongoing parliamentary debate and inquiry with respect to the Darfur catastrophe.

Seventh, we should encourage other parliamentarians around the world to have an all-party, non-partisan grouping to continue to raise national and legislative consciousness of the Darfur genocide.

Eighth, we should support and form alliances with the NGOs that are working in the area.

Ninth, we must insist that all involved parties respect and implement the Darfur peace agreement, which regrettably has become a dead letter.

Tenth, we should encourage all nations and groups to implement incremental economic sanctions, seize assets, deprive Sudanese criminals of their right to travel and make it clear that the continuation of the atrocities will not be tolerated.

If we do not do this, who will do it? If we do not do it now, then when?

On motion of Senator Andreychuk, debate adjourned.

THE SENATE

MOTION URGING GOVERNMENT TO ENGAGE IN FREE TRADE NEGOTIATIONS WITH EUROPEAN UNION—DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of March 29, 2007, moved:

That the Senate call upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement, in order to encourage investment and free movement of people and capital.

He said: Honourable senators, I want to speak briefly in support of the motion before calling upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement in order to encourage investment

and free movement of people and capital. The reason I rise to make the case is because there will be an EU-United States summit this month and a Canada-EU summit in June. The Chancellor of Germany has, as the President of the European Union, already made the case that we need a new transatlantic partnership between Europe and North America, so as to maximize the opportunities for productivity, for economies of scale.

• (1740)

The premise behind this is that if we do not wish to see all our manufacturing jobs exported to China and Asia, we have to — on a North American basis and with our colleagues and partners and mother countries in Europe — begin to work together to establish significant economies of scale in our societies, societies where the value of labour or fair wages or environmental concerns are duly respected. The way to do that is to work constructively by reducing some of the existing trade barriers between our two countries.

[Translation]

The Premier of Quebec, Mr. Charest, was recently in Davos to propose a free trade agreement between the European Union and North America, particularly Canada. Mr. Charest was accompanied by business leaders, who strongly support the proposal, from across Canada.

[English]

If we look at the numbers, we can ascertain that if we could put together an FTA between Europe and Canada, we would be bolstering economic relations with the region that is the largest single marketplace in the world, and Canada's second largest trading partner next to the United States, our ally and friend.

When one thinks about the world writ large, Canada is one of only eight countries — together with Australia, China, Japan, New Zealand, Singapore, South Korea and the U.S. — who do not have a preferential trade agreement with the European Community. Why we would want to be among the eight, as opposed to the majority that does, does not, in and of itself, suggest itself clearly in terms of our foreign policy priorities.

The average levels of tariff right across the board are high. They are a significantly high enough nuisance to divert trade in the manufacturing sector.

The federal government's June 2001 Canada-EU tariff elimination study revealed that the elimination of just those tariffs in the non-agricultural areas — because I understand how sensitive supply management issues are, certainly on the part of Ontario I seek to represent in this place. Supply management is an important element of our economic construct — if we could reduce the other areas of tariffs, we could produce an 11.2 per cent increase in bilateral trade, adding \$2.4 billion to Canada-EU economic activity on an ongoing basis.

I truly believe, in matters of foreign and trade policy — and I submit this to my colleagues in this place — that the bicycle theory is most appropriate. If we are not pedalling forward, we will have stability problems one way or the other. NAFTA was an

agreement that many in this house supported, as did many in the country. A matter of great controversy, NAFTA and free trade are static agreements. They do not change, modify or expand. They are what they are and they generate great good — not without some difficulties, but great good.

We have to have a more aggressive trade commitment as a society; and bringing our European colleagues to the table would be a constructive step forward.

It is important that as we look to Asia and to the economic opportunities that are there, and we look to have a double-track strategy with our Chinese friends — trade on the one hand, due regard for human rights and related concerns on the other — that we do not lose track of the core relationship with our European allies and colleagues. The gesture that Europe is now trying to make toward an invigorated transatlantic relationship gives us a chance to get ahead of the curve and to do so in a fashion that would be most constructive.

While trade experts would say there is no great desire for a Canada-EU discussion around a free trade agreement — the Mexicans have already done it and other countries have as well. Honourable senators, wait and see the response should the Americans initiate meaningful negotiation this month with the Europeans relative to a free trade agreement. We will see the rush and panic in our Foreign Affairs and International Trade department, the likes of which will be absolutely overwhelming.

We have chance in this body to encourage some sense of getting ahead of the curve, advancing the proposition and putting the idea before the government in a sustained and constructive way for their consideration prior to the Canada-EU summit scheduled for June. Honourable senators, I commend the motion to your thoughtful consideration.

On motion of Senator Di Nino, debate adjourned.

STUDY ON FUNDING FOR TREATMENT OF AUTISM

MOTION TO ADOPT REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE AND
REQUEST FOR GOVERNMENT RESPONSE—
DEBATE ADJOURNED

Hon. Art Eggleton, pursuant to notice of April 26, 2007, moved:

That the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Pay Now or Pay Later, Autism Families in Crisis*, tabled in the Senate on March 29, 2007, be adopted; and

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Ministers of National Revenue, of Intergovernmental Affairs, of Health and of Finance being identified as Ministers responsible for responding to the report.

He said: Honourable senators, I rise today to speak about the twelfth report from the Standing Senate Committee on Social Affairs, Science and Technology, entitled "Pay Now or Pay Later, Autism Families in Crisis."

I wish to start by thanking the members of the committee who demonstrated great compassion and care toward Canadians with difficulties. This is the first study report that the committee has released since I became its chair, succeeding Senator Kirby, and I was impressed with the contributions of all members. This is once again a unanimous report, which puts forth sensible and attainable solutions to a serious problem.

As well, I wish to highlight the contribution of Senator Munson. On May 11, he began an inquiry, which turned into the order of reference that launched the study. Families across Canada owe him a debt of gratitude as he brought an important issue to the floor of the Senate.

Like most senators, I know the issues of autism from what I have seen in the media. Many stories have appeared regarding court cases, perhaps some of them highlighting protests by parents or announcements by governments — which do not seem to satisfy anyone. However, I did not really understand the depth of the issue.

Those stories do not fully portray the frustration and fear that parents of autistic children have. After hearing from researchers, interest groups, parents and autistic individuals, I can say that I better understand. Hearing the stories pulled at my heartstrings, but they showed the reality of the situation and proved that it needs our immediate attention.

We heard from parents and what they see in their children in crisis, with very little help forthcoming. The reaction of each of us when something threatens our children is to protect them.

Laurel Gibbons, a mother with a nine-year-old autistic son, testified that instead of using her son's health care card to access treatment, she relied on two other cards: her library card to research autism, and her Visa card to pay for treatment.

She added:

We were going to have to pay for any interventions, including ABA, as well as the recommended speech and occupational therapy that ran into thousands of dollars.

After re-financing our mortgage three times in the last four years, the money has run out. The speech therapy has stopped, as did the occupational therapy for his sensory issues. . . . We are still doing what we can piecemeal. I worry every day that I may have to relinquish my custody of him and hand him over to social services because he becomes unmanageable.

Honourable senators, after hearing that, how can we not act? How can governments not support these parents and how can we not expect parents to be frustrated or angry?

• (1750)

Treatment, honourable senators, can cost \$60,000 a year, the committee was told time and time again. There is varied support from the provincial and territorial governments. Certainly, it is not equitable across the country. The majority of that \$60,000 is coming from the pockets of parents.

The committee was pleased to hear from a number of adult witnesses who have autism. Their testimony was inspirational and touching, and it showed what the results of detection and

treatment can mean. Their testimony leads to some of the recommendations contained in the report.

Mr. Kristian Hooker, from Selkirk, Manitoba, spoke to the issues that persons with autistic spectrum disorder face. He said:

A big problem with people facing ASD in society is that others often have a stereotype of how a person with ASD is supposed to look or behave. Many people with ASD could eliminate that stereotype but rarely get that opportunity, especially with a large group of people.

That is why one of our recommendations is for the inclusion of autistic individuals in both national public awareness campaign and the proposed symposium announced by the Minister of Health last year. It is essential that this group be represented at any table that discusses what to do to help people with autism.

Mr. Jason Oldford is 36 years old and was diagnosed in 1974. He supported the views expressed by Ms. Laurel Gibbons in her testimony when he said:

ABA is an expensive treatment. You have probably heard the figure \$60,000 per year per child. . . . Parents put themselves on the verge of bankruptcy when they have to pay for that treatment out of pocket. I certainly understand the situation they are in.

The testimony of people like Jason Oldford and Laurel Gibbons is the reason that the committee recommended that the federal government convene a federal-provincial-territorial ministerial conference to examine innovative funding arrangements for the purpose of financing autism therapy and that the federal government establish an appropriate level of funding — its appropriate share — in all of this. Parents are facing extraordinary costs to help their children, and what they need and ask for is help. They are asking their federal, provincial and territorial governments to help to alleviate this stress. The proposed meeting is not just needed, it must happen and must happen now.

Honourable senators, beyond these two significant recommendations of inclusion and a federal-provincial-territorial meeting, the committee further recommends: the creation of a public awareness campaign to enhance knowledge and understanding of ASD and the difficulties, the challenges and some of the great qualities and abilities that many ASD people exhibit; the creation of an autism knowledge and exchange centre and an internet-based web portal for reliable data for those seeking information on autism. The committee heard from many witnesses that there is too much confusing information.

The committee also recommends the creation of an autism research network and the provision of money for research through the Canadian Institutes of Health Research, because there remains much to learn about ASD disorders. The committee recommends that the federal government work with the provinces and territories to address the human resources issues, including training standards. The Province of Alberta provides funding, but they do not have the human resources; Ontario does not provide as much funding but has lots of human resources. There are problems right across the country of that sort, including training standards, which are so varied. As well, we ask that the Department of Finance study the implications of income splitting and other tax measures to help the families.

Pulling it altogether, the committee recommends that the federal government, in collaboration with the provinces and territories, establish a comprehensive national autism strategy, which is needed now.

The committee also noted that in Budget 2007 the government has taken steps toward helping parents — and I congratulate those who sit on the government side in this place on announcing the creation of a registered disability savings plan. However, this plan will help only some people tomorrow, not today, and today is the issue. Parents are going broke now and there is no money for tomorrow.

In the words of Jason Oldford — and I quote:

... if you pay for it now, look at the return you get on your investment. The people with autism will get out into the real world and get jobs, and that will stimulate the economy. Or you can pay later, which means they will go into group homes and it will cost the taxpayers a lot of money in the long run to keep them there.

Pay now, or pay later. Honourable senators, that is why we need to act today.

In conclusion, I thought I would use the words of my esteemed colleague and deputy chair of the Social Affairs Committee, Senator Keon: At committee, when asking one of his questions of witnesses, he said.

Our job is to come up with a plan that is good enough that government cannot say no to it.

Senator Keon said that, in his experience, plans are turned down if they are not good enough but that if they are good enough, they are never turned down.

The report of the committee contains good recommendations that will help families across the country to deal with this growing problem. I know we could have gone further, and many people wanted us to, but we had to make recommendations that could be and should be implemented — ones that are reasonable. These recommendations help to move us in the right direction on this issue, to show parents and autistic adults that they are not alone and that they have not been abandoned.

Honourable senators, I look forward to hearing from the government in respect of this motion on the twelfth report of the Social Affairs Committee and, more important, I look forward to the implementation of this report.

Hon. Gerry St. Germain: Would the honourable senator take a question?

Senator Eggleton: Yes.

Senator St. Germain: Autism has emerged in my life. As well, I have been approached by people in British Columbia on the issue. Does the honourable senator know, through his studies with the able assistance of Senator Keon, why has this illness has been neglected in the process of treatment? Why has autism not been recognized by provincial health authorities?

Is there an increase in the number of births of children with autism? Are there any scientific projects under way to determine whether diagnoses of this illness are on the increase?

I speak with sincerity, honourable senators, because I have a niece who has two autistic children. I have seen a beautiful young woman virtually deteriorate before the family's eyes.

The information given to me by some who are active in British Columbia on this issue has clearly stated that there appears to be an increase in the number of births of autistic children. Could the honourable senator clarify that point? Did the committee's study reveal why the issue has not been addressed by provincial health authorities and Health Canada?

Senator Eggleton: I thank the honourable senator for the excellent questions. It is not clear whether there has been an increase in the number of births of children with autism. However, it is clear that there is an increase in awareness of autism, with earlier diagnosis and earlier treatment for some, but not for everyone because not everyone can afford it or access it readily. Certainly, there is an increase in awareness but an increase in the numbers is not clear from the studies to date.

• (1800)

With respect to health, one of the difficulties with autism spectrum disorder is that it covers more than one field. It is not only a question of health. They go to doctors and clinics, but many things would come under the social service umbrella or even the education umbrella. Also, many costs relate to the fact that many of these young people require one parent to stay at home. It is extremely difficult for both parents to work.

The Hon. the Speaker: Honourable senators, it being six o'clock, I am obliged to leave the chair unless there is consent not to see the clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I propose that we give the senator a few moments to conclude.

Hon. Senators: Agreed.

Senator Eggleton: This is why we think we need a national autism strategy. We need to pull together the governments at different levels to work out how we can cross the lines of health care, education and social support services, and what to do about the loss of income for parents. All these things create enormous financial and emotional pressures for these people.

This is why we have suggested that we need a strategy. We need the symposium that Minister Clement recommended, which would include people in the autism field. We also need the federal and provincial governments to come together to work on this national strategy.

On motion of Senator Cowan, for Senator Munson, debate adjourned.

The Senate adjourned until Wednesday, May 2, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(May 1, 2007)

| | |
|--------------------------------------|---|
| The Right Hon. Stephen Joseph Harper | Prime Minister |
| The Hon. Robert Douglas Nicholson | Minister of Justice and Attorney General of Canada |
| The Hon. David Emerson | Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics |
| The Hon. Jean-Pierre Blackburn | Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec |
| The Hon. Gregory Francis Thompson | Minister of Veterans Affairs |
| The Hon. Marjory LeBreton | Leader of the Government in the Senate and Secretary of State (Seniors) |
| The Hon. Monte Solberg | Minister of Human Resources and Social Development |
| The Hon. Chuck Strahl | Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board |
| The Hon. Gary Lunn | Minister of Natural Resources |
| The Hon. Peter Gordon MacKay | Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency |
| The Hon. Loyola Hearn | Minister of Fisheries and Oceans |
| The Hon. Stockwell Day | Minister of Public Safety |
| The Hon. Carol Skelton | Minister of National Revenue |
| The Hon. Vic Toews | President of the Treasury Board |
| The Hon. Rona Ambrose | President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification |
| The Hon. Diane Finley | Minister of Citizenship and Immigration |
| The Hon. Gordon O'Connor | Minister of National Defence |
| The Hon. Beverley J. Oda | Minister of Canadian Heritage and Status of Women |
| The Hon. Jim Prentice | Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians |
| The Hon. John Baird | Minister of the Environment |
| The Hon. Maxime Bernier | Minister of Industry |
| The Hon. Lawrence Cannon | Minister of Transport, Infrastructure and Communities |
| The Hon. Tony Clement | Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario |
| The Hon. James Michael Flaherty | Minister of Finance |
| The Hon. Josée Verner | Minister of International Cooperation and Minister for La Francophonie and Official Languages |
| The Hon. Michael Fortier | Minister of Public Works and Government Services |
| The Hon. Peter Van Loan | Leader of the Government in the House of Commons and Minister for Democratic Reform |
| The Hon. Jay D. Hill | Secretary of State and Chief Government Whip |
| The Hon. Jason Kenney | Secretary of State (Multiculturalism and Canadian Identity) |
| The Hon. Gerry Ritz | Secretary of State (Small Business and Tourism) |
| The Hon. Helena Guergis | Secretary of State (Foreign Affairs and International Trade) (Sport) |
| The Hon. Christian Paradis | Secretary of State (Agriculture) |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 1, 2007)

| Senator | Designation | Post Office Address |
|----------------------------------|------------------------------------|--|
| THE HONOURABLE | | |
| Jack Austin, P.C. | Vancouver South | Vancouver, B.C. |
| Willie Adams | Nunavut | Rankin Inlet, Nunavut |
| Lowell Murray, P.C. | Pakenham | Ottawa, Ont. |
| Peter Alan Stollery | Bloor and Yonge | Toronto, Ont. |
| Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa, Ont. |
| Jerahmiel S. Grafstein | Metro Toronto | Toronto, Ont. |
| Anne C. Cools | Toronto Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuaq, Que. |
| Daniel Hays, P.C. | Calgary | Calgary, Alta. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Eymard Georges Corbin | Grand-Sault | Grand-Sault, N.B. |
| Norman K. Atkins | Markham | Toronto, Ont. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. |
| Mira Spivak | Manitoba | Winnipeg, Man. |
| Pat Carney, P.C. | British Columbia | Vancouver, B.C. |
| Gerald J. Comeau | Nova Scotia | Saulnierville, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | Nova Scotia | Halifax, N.S. |
| Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. |
| J. Trevor Eyton | Ontario | Caledon, Ont. |
| Wilbert Joseph Keon | Ottawa | Ottawa, Ont. |
| Michael Arthur Meighen | St. Marys | Toronto, Ont. |
| Janis G. Johnson | Winnipeg-Interlake | Gimli, Man. |
| A. Raynell Andreychuk | Saskatchewan | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| Marcel Prud'homme, P.C. | La Salle | Montreal, Que. |
| Leonard J. Gustafson | Saskatchewan | Macoun, Sask. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |
| W. David Angus | Alma | Montreal, Que. |
| Pierre Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton, P.C. | Ontario | Manotick, Ont. |
| Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| Lise Bacon | De la Durantaye | Laval, Que. |
| Sharon Carstairs, P.C. | Manitoba | Winnipeg, Man. |
| John G. Bryden | New Brunswick | Bayfield, N.B. |
| Rose-Marie Losier-Cool | Tracadie | Bathurst, N.B. |
| Céline Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| William H. Rompkey, P.C. | North West River, Labrador | North West River, Labrador, Nfld. & Lab. |
| Lorna Milne | Peel County | Brampton, Ont. |
| Marie-P. Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |

| Senator | Designation | Post Office Address |
|----------------------------|---------------------------|----------------------------------|
| Wilfred P. Moore | Stanhope St./South Shore | Chester, N.S. |
| Lucie Pépin | Shawinigan | Montreal, Que. |
| Fernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| Catherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| Serge Joyal, P.C. | Kennebec | Montreal, Que. |
| Joan Cook | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Ross Fitzpatrick | Okanagan-Similkameen | Kelowna, B.C. |
| Francis William Mahovlich | Toronto | Toronto, Ont. |
| Joan Thorne Fraser | De Lorimier | Montreal, Que. |
| Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue, Que. |
| Vivienne Poy | Toronto | Toronto, Ont. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Nick G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| Tommy Banks | Alberta | Edmonton, Alta. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Elizabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Jean Lapointe | Saurel | Magog, Que. |
| Gerard A. Phalen | Nova Scotia | Glace Bay, N.S. |
| Joseph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| Michel Biron | Mille Isles | Nicolet, Que. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. |
| Raymond Lavigne | Montarville | Verdun, Que. |
| David P. Smith, P.C. | Cobourg | Toronto, Ont. |
| Maria Chaput | Manitoba | Sainte-Anne, Man. |
| Pana Merchant | Saskatchewan | Regina, Sask. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |
| Percy Downe | Charlottetown | Charlottetown, P.E.I. |
| Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire, Que. |
| Mac Harb | Ontario | Ottawa, Ont. |
| Marilyn Trenholme Counsell | New Brunswick | Sackville, N.B. |
| Terry M. Mercer | Northend Halifax | Caribou River, N.S. |
| Jim Munson | Ottawa/Rideau Canal | Ottawa, Ont. |
| Claudette Tardif | Alberta | Edmonton, Alta. |
| Grant Mitchell | Alberta | Edmonton, Alta. |
| Elaine McCoy | Alberta | Calgary, Alta. |
| Robert W. Peterson | Saskatchewan | Regina, Sask. |
| Lillian Eva Dyck | Saskatchewan | Saskatoon, Sask. |
| Art Eggleton, P.C. | Ontario | Toronto, Ont. |
| Nancy Ruth | Cluny | Toronto, Ont. |
| Romeo Antonius Dallaire | Gulf | Sainte-Foy, Que. |
| James S. Cowan | Nova Scotia | Halifax, N.S. |
| Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe, Que. |
| Hugh Segal | Kingston-Frontenac-Leeds | Kingston, Ont. |
| Larry W. Campbell | British Columbia | Vancouver, B.C. |
| Rod A.A. Zimmer | Manitoba | Winnipeg, Man. |
| Dennis Dawson | Lauzon | Sainte-Foy, Que. |
| Yoïne Goldstein | Rigaud | Montreal, Que. |
| Francis Fox, P.C. | Victoria | Montreal, Que. |
| Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations, N.B. |
| Michael Fortier, P.C. | Rougemont | Town of Mount Royal, Que. |

SENATORS OF CANADA

ALPHABETICAL LIST

(May 1, 2007)

| Senator | Designation | Post Office Address | Political Affiliation |
|---------------------------------|---------------------------|----------------------------------|--------------------------|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Liberal |
| Andreychuk, A. Raynell | Saskatchewan | Regina, Sask. | Conservative |
| Angus, W. David | Alma | Montreal, Que. | Conservative |
| Atkins, Norman K. | Markham | Toronto, Ont. | Progressive Conservative |
| Austin, Jack, P.C. | Vancouver South | Vancouver, B.C. | Liberal |
| Bacon, Lise | De la Durantaye | Laval, Que. | Liberal |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. | Liberal |
| Banks, Tommy | Alberta | Edmonton, Alta. | Liberal |
| Biron, Michel | Mille Isles | Nicolet, Que. | Liberal |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Liberal |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Liberal |
| Campbell, Larry W. | British Columbia | Vancouver, B.C. | Liberal |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | Conservative |
| Carstairs, Sharon, P.C. | Manitoba | Winnipeg, Man. | Liberal |
| Champagne, Andr  e, P.C. | Grandville | Saint-Hyacinthe, Que. | Conservative |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Liberal |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. | Conservative |
| Comeau, Gerald J. | Nova Scotia | Saulnierville, N.S. | Conservative |
| Cook, Joan | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Liberal |
| Cools, Anne C. | Toronto Centre-York | Toronto, Ont. | Conservative |
| Corbin, Eymard Georges | Grand-Sault | Grand-Sault, N.B. | Liberal |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Liberal |
| Cowan, James S. | Nova Scotia | Halifax, N.S. | Liberal |
| Dallaire, Rom  o Antonius | Gulf | Sainte-Foy, Que. | Liberal |
| Dawson, Dennis | Lauzon | Ste-Foy, Que. | Liberal |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Liberal |
| De Ban  , Pierre, P.C. | De la Valli  re | Montreal, Que. | Liberal |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | Conservative |
| Downe, Percy | Charlottetown | Charlottetown, P.E.I. | Liberal |
| Dyck, Lillian Eva | Saskatchewan | Saskatoon, Sask. | Ind. New Democrat |
| Eggleton, Art, P.C. | Ontario | Toronto, Ont. | Liberal |
| Eyton, J. Trevor | Ontario | Caledon, Ont. | Conservative |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Liberal |
| Fitzpatrick, Ross | Okanagan-Similkameen | Kelowna, B.C. | Liberal |
| Fortier, Michael, P.C. | Rougemont | Town of Mount Royal, Que. | Conservative |
| Fox, Francis, P.C. | Victoria | Montreal, Que. | Liberal |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Liberal |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Liberal |
| Gill, Aur  lien | Wellington | Mashteuiatsh, Pointe-Bleue, Que. | Liberal |
| Goldstein, Yoine | Rigaud | Montreal, Que. | Liberal |
| Grafstein, Jerahmiel S. | Metro Toronto | Toronto, Ont. | Liberal |
| Gustafson Leonard J. | Saskatchewan | Macoun, Sask. | Conservative |
| Harb, Mac | Ontario | Ottawa, Ont. | Liberal |
| Hays, Daniel, P.C. | Calgary | Calgary, Alta. | Liberal |
| Hervieux-Payette, C  line, P.C. | Bedford | Montreal, Que. | Liberal |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Liberal |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Liberal |

| Senator | Designation | Post Office Address | Political Affiliation |
|-----------------------------------|------------------------------------|--|--------------------------|
| Johnson, Janis G. | Winnipeg-Interlake | Gimli, Man. | Conservative |
| Joyal, Serge, P.C. | Kennebec | Montreal, Que. | Liberal |
| Kenny, Colin | Rideau | Ottawa, Ont. | Liberal |
| Keon, Wilbert Joseph | Ottawa | Ottawa, Ont. | Conservative |
| Kinsella, Noël A., <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. | Conservative |
| Lapointe, Jean | Saurel | Magog, Que. | Liberal |
| Lavigne, Raymond | Montarville | Verdun, Que. | Liberal |
| LeBreton, Marjory, P.C. | Ontario | Manotick, Ont. | Conservative |
| Losier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Liberal |
| Lovelace Nicholas, Sandra | New Brunswick | Tobique First Nations, N.B. | Liberal |
| Mahovlich, Francis William | Toronto | Toronto, Ont. | Liberal |
| Massicotte, Paul J. | De Lanaudière | Mont-Saint-Hilaire, Que. | Liberal |
| McCoy, Elaine | Alberta | Calgary, Alta. | Progressive Conservative |
| Meighen, Michael Arthur | St. Marys | Toronto, Ont. | Conservative |
| Mercer, Terry M. | Northend Halifax | Caribou River, N.S. | Liberal |
| Merchant, Pana | Saskatchewan | Regina, Sask. | Liberal |
| Milne, Lorna | Peel County | Brampton, Ont. | Liberal |
| Mitchell, Grant | Alberta | Edmonton, Alta. | Liberal |
| Moore, Wilfred P. | Stanhope St./South Shore | Chester, N.S. | Liberal |
| Munson, Jim | Ottawa/Rideau Canal | Ottawa, Ont. | Liberal |
| Murray, Lowell, P.C. | Pakenham | Ottawa, Ont. | Progressive Conservative |
| Nancy Ruth | Cluny | Toronto, Ont. | Conservative |
| Nolin, Pierre Claude | De Salaberry | Quebec, Que. | Conservative |
| Oliver, Donald H. | Nova Scotia | Halifax, N.S. | Conservative |
| Pépin, Lucie | Shawinigan | Montreal, Que. | Liberal |
| Peterson, Robert W. | Saskatchewan | Regina, Sask. | Liberal |
| Phalen, Gerard A. | Nova Scotia | Glace Bay, N.S. | Liberal |
| Pitfield, Peter Michael, P.C. | Ottawa-Vanier | Ottawa, Ont. | Independent |
| Poulin, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Liberal |
| Poy, Vivienne | Toronto | Toronto, Ont. | Liberal |
| Prud'homme, Marcel, P.C. | La Salle | Montreal, Que. | Independent |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Liberal |
| Rivest, Jean-Claude | Stadacona | Quebec, Que. | Independent |
| Robichaud, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Liberal |
| Rompkey, William H., P.C. | North West River, Labrador | North West River, Labrador, Nfld. & Lab. | Liberal |
| St. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | Conservative |
| Segal, Hugh | Kingston-Frontenac-Leeds | Kingston, Ont. | Conservative |
| Sibbeston, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Liberal |
| Smith, David P., P.C. | Cobourg | Toronto, Ont. | Liberal |
| Spivak, Mira | Manitoba | Winnipeg, Man. | Independent |
| Stollery, Peter Alan | Bloor and Yonge | Toronto, Ont. | Liberal |
| Stratton, Terrance R. | Red River | St. Norbert, Man. | Conservative |
| Tardif, Claudette | Alberta | Edmonton, Alta. | Liberal |
| Tkachuk, David | Saskatchewan | Saskatoon, Sask. | Conservative |
| Trenholme Counsell, Marilyn | New Brunswick | Sackville, N.B. | Liberal |
| Watt, Charlie | Inkerman | Kuujuuaq, Que. | Liberal |
| Zimmer, Rod A.A. | Manitoba | Winnipeg, Man. | Liberal |

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(May 1, 2007)

ONTARIO—24

| Senator | Designation | Post Office Address |
|--------------------------------|--------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Lowell Murray, P.C. | Pakenham | Ottawa |
| 2 Peter Alan Stollery | Bloor and Yonge | Toronto |
| 3 Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa |
| 4 Jeremiah S. Grafstein | Metro Toronto | Toronto |
| 5 Anne C. Cools | Toronto Centre-York | Toronto |
| 6 Colin Kenny | Rideau | Ottawa |
| 7 Norman K. Atkins | Markham | Toronto |
| 8 Consiglio Di Nino | Ontario | Downsview |
| 9 John Trevor Eyton | Ontario | Caledon |
| 10 Wilbert Joseph Keon | Ottawa | Ottawa |
| 11 Michael Arthur Meighen | St. Marys | Toronto |
| 12 Marjory LeBreton, P.C. | Ontario | Manotick |
| 13 Lorna Milne | Peel County | Brampton |
| 14 Marie-P. Poulin | Northern Ontario | Ottawa |
| 15 Francis William Mahovlich | Toronto | Toronto |
| 16 Vivienne Poy | Toronto | Toronto |
| 17 David P. Smith, P.C. | Cobourg | Toronto |
| 18 Mac Harb | Ontario | Ottawa |
| 19 Jim Munson | Ottawa/Rideau Canal | Ottawa |
| 20 Art Eggleton, P.C. | Ontario | Toronto |
| 21 Nancy Ruth | Cluny | Toronto |
| 22 Hugh Segal | Kingston-Frontenac-Leeds | Kingston |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|---------------------------------|-----------------|----------------------------|
| THE HONOURABLE | | |
| 1 Charlie Watt | Inkerman | Kuujuuaq |
| 2 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 3 Jean-Claude Rivest | Stadacona | Quebec |
| 4 Marcel Prud'homme, P.C. | La Salle | Montreal |
| 5 W. David Angus | Alma | Montreal |
| 6 Pierre Claude Nolin | De Salaberry | Quebec |
| 7 Lise Bacon | De la Durantaye | Laval |
| 8 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 9 Lucie Pépin | Shawinigan | Montreal |
| 10 Serge Joyal, P.C. | Kennebec | Montreal |
| 11 Joan Thorne Fraser | De Lorimier | Montreal |
| 12 Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue |
| 13 Jean Lapointe | Saurel | Magog |
| 14 Michel Biron | Milles Isles | Nicolet |
| 15 Raymond Lavigne | Montarville | Verdun |
| 16 Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire |
| 17 Roméo Antonius Dallaire | Gulf | Sainte-Foy |
| 18 Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe |
| 19 Dennis Dawson | Lauzon | Ste-Foy |
| 20 Yoine Goldstein | Rigaud | Montreal |
| 21 Francis Fox, P.C. | Victoria | Montreal |
| 22 Michael Fortier, P.C. | Rougemont | Town of Mount Royal |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------|--------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Gerald J. Comeau | Nova Scotia | Saulnierville |
| 2 Donald H. Oliver | Nova Scotia | Halifax |
| 3 Wilfred P. Moore | Stanhope St./South Shore | Chester |
| 4 Jane Cordy | Nova Scotia | Dartmouth |
| 5 Gerard A. Phalen | Nova Scotia | Glace Bay |
| 6 Terry M. Mercer | Northend Halifax | Caribou River |
| 7 James S. Cowan | Nova Scotia | Halifax |
| 8 | | |
| 9 | | |
| 10 | | |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|------------------------------------|--|-----------------------|
| THE HONOURABLE | | |
| 1 Eymard Georges Corbin | Grand-Sault | Grand-Sault |
| 2 Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton |
| 3 John G. Bryden | New Brunswick | Bayfield |
| 4 Rose-Marie Losier-Cool | Tracadie | Bathurst |
| 5 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 6 Joseph A. Day | Saint John-Kennebecasis, New Brunswick | Hampton |
| 7 Pierrette Ringuette | New Brunswick | Edmundston |
| 8 Marilyn Trenholme Counsell | New Brunswick | Sackville |
| 9 Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations |
| 10 | | |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------|----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 2 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 3 Percy Downe | Charlottetown | Charlottetown |
| 4 | | |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|----------------------------------|------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Mira Spivak | Manitoba | Winnipeg |
| 2 Janis G. Johnson | Winnipeg-Interlake | Gimli |
| 3 Terrance R. Stratton | Red River | St. Norbert |
| 4 Sharon Carstairs, P.C. | Manitoba | Winnipeg |
| 5 Maria Chaput | Manitoba | Sainte-Anne |
| 6 Rod A.A. Zimmer | Manitoba | Winnipeg |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|-----------------------------------|--------------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Jack Austin, P.C. | Vancouver South | Vancouver |
| 2 Pat Carney, P.C. | British Columbia | Vancouver |
| 3 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 4 Ross Fitzpatrick | Okanagan-Similkameen | Kelowna |
| 5 Mobina S.B. Jaffer | British Columbia | North Vancouver |
| 6 Larry W. Campbell | British Columbia | Vancouver |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|-----------------------------------|------------------------|---------------------|
| THE HONOURABLE | | |
| 1 A. Raynell Andreychuk | Saskatchewan | Regina |
| 2 Leonard J. Gustafson | Saskatchewan | Macoun |
| 3 David Tkachuk | Saskatchewan | Saskatoon |
| 4 Pana Merchant | Saskatchewan | Regina |
| 5 Robert W. Peterson | Saskatchewan | Regina |
| 6 Lillian Eva Dyck | Saskatchewan | Saskatoon |

ALBERTA—6

| Senator | Designation | Post Office Address |
|---------------------------------|----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Daniel Hays, P.C. | Calgary | Calgary |
| 2 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 Tommy Banks | Alberta | Edmonton |
| 4 Claudette Tardif | Alberta | Edmonton |
| 5 Grant Mitchell | Alberta | Edmonton |
| 6 Elaine McCoy | Alberta | Calgary |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|---------------------------------|----------------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 2 William H. Rompkey, P.C. | North West River, Labrador | North West River, Labrador |
| 3 Joan Cook | Newfoundland and Labrador | St. John's |
| 4 George Furey | Newfoundland and Labrador | St. John's |
| 5 George S. Baker, P.C. | Newfoundland and Labrador | Gander |
| 6 | | |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|---------------------------|-----------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|----------------------|---------------|---------------------|
| THE HONOURABLE | | |
| 1 Willie Adams | Nunavut | Rankin Inlet |

YUKON—1

| Senator | Designation | Post Office Address |
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| THE HONOURABLE | | |
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ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 1, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

| | | | |
|------------|---------------------------------|--------------------|------------|
| Campbell, | * Hervieux-Payette (or Tardif), | Lovelace Nicholas, | Segal, |
| Dyck, | Hubley, | Peterson, | Sibbeston, |
| Gill, | * LeBreton (or Comeau), | St. Germain, | Watt. |
| Gustafson, | | | |

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau),
Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

| | | | |
|------------|---------------------------------|------------|--------------|
| Biron, | Gustafson, | Mahovlich, | Peterson, |
| Callbeck, | * Hervieux-Payette (or Tardif), | Mercer, | St. Germain, |
| Fairbairn, | * LeBreton (or Comeau), | Oliver, | Segal. |

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau),
Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

| | | | |
|--------------|---------------------------------|-------------------------|------------|
| Angus, | Goldstein, | * LeBreton (or Comeau), | Moore, |
| Biron, | Grafstein, | Massicotte, | Ringuette, |
| Eyton, | Harb, | Meighen, | Tkachuk. |
| Fitzpatrick, | * Hervieux-Payette (or Tardif), | | |

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette,
LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

| | | | |
|-----------------------|------------|--------|------------|
| Andreychuk, Angus, | Carstairs, | Joyal, | Robichaud. |
|-----------------------|------------|--------|------------|

Original Members as nominated by the Committee of Selection

Andreychuk, Angus, Carstairs, Joyal, Robichaud.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

| | | | |
|---|--|--|---|
| Adams, Angus, Banks, Cochrane, | Dawson, * Hervieux-Payette (or Tardif), Kenny, | * LeBreton (or Comeau), Milne, Mitchell, | Robichaud, P.C., Spivak, Tkachuk. |
|---|--|--|---|

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

| | | | |
|--|--|---|---------------------------------|
| Adams, Baker, Campbell, Cochrane, | Comeau, Gill, * Hervieux-Payette (or Tardif), Hubley, | Johnson, * LeBreton (or Comeau), Meighen, | Robichaud, Rompkey, Watt. |
|--|--|---|---------------------------------|

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Stollery

Deputy Chair:

Honourable Senators:

| | | | |
|-------------|---------------------------------|------------|-----------|
| Andreychuk, | Downe, | Mahovlich, | Segal, |
| Corbin, | Eyton, | Merchant, | Smith, |
| De Bané, | * Hervieux-Payette (or Tardif), | Peterson, | Stollery. |
| Di Nino, | * LeBreton (or Comeau), | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Fraser

Honourable Senators:

| | | | |
|-------------|---------------------------------|-------------------------|-------------|
| Andreychuk, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Nancy Ruth, |
| Dallaire, | Jaffer, | Lovelace Nicholas, | Poy. |
| Fraser, | Kinsella, | Munson, | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

| | | | |
|---------------------------------|-------------------------|-------------|-------------|
| Comeau, | Jaffer, | Massicotte, | Prud'homme, |
| Cook, | Kenny, | Nolin, | Robichaud, |
| Downe, | Kinsella, | Phalen, | Stollery, |
| Furey, | * LeBreton (or Comeau), | Poulin, | Stratton. |
| * Hervieux-Payette (or Tardif), | | | |

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon,
LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

| | | | |
|-------------|---------------------------------|-------------------------|-----------|
| Andreychuk, | Hays, | * LeBreton (or Comeau), | Oliver, |
| Baker, | * Hervieux-Payette (or Tardif), | Milne, | Rivest, |
| Bryden, | Jaffer, | Nolin, | Stratton. |
| Fraser, | Joyal, | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

| | | | |
|-----------|---------|------|---------------------|
| Johnson, | Oliver, | Poy, | Trenholme Counsell. |
| Lapointe, | | | |

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

| | | | |
|-----------|---------------------------------|-------------|------------|
| Biron, | Fox, | Mitchell, | Ringuette, |
| Day, | * Hervieux-Payette (or Tardif), | Murray, | Rompkey, |
| Di Nino, | * LeBreton (or Comeau), | Nancy Ruth, | Stratton. |
| Eggleton, | | | |

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE**Chair: Honourable Senator Kenny****Deputy Chair: Honourable Senator Atkins****Honourable Senators:**

| | | | |
|---------|---------------------------------|---------|-------------------------|
| Atkins, | Day, | Jaffer, | * LeBreton (or Comeau), |
| Banks, | * Hervieux-Payette (or Tardif), | Kenny, | Zimmer. |

Original Members as nominated by the Committee of Selection
*Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,*
**LeBreton (or Comeau), Meighen, Poulin, Watt.*

VETERANS AFFAIRS**(Subcommittee of National Security and Defence)****Chair: Honourable Senator Day****Deputy Chair: Honourable Senator Atkins****Honourable Senators:**

| | | | |
|---------|---------------------------------|--------|-------------------------|
| Atkins, | * Hervieux-Payette (or Tardif), | Kenny, | * LeBreton (or Comeau). |
| Day, | | | |

OFFICIAL LANGUAGES**Chair: Honourable Senator Chaput****Deputy Chair:****Honourable Senators:**

| | | | |
|---------|---------------------------------|-------------------------|---------------------|
| Chaput, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), | Tardif, |
| Comeau, | Jaffer, | Losier-Cool, | Trenholme Counsell. |
| Cowan, | Keon, | Murray, | |

Original Members as nominated by the Committee of Selection
*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau),*
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

| | | | |
|-------------|---------------------------------|-------------------------|------------|
| Andreychuk, | Fraser, | Keon, | Robichaud, |
| Bryden, | Hays, | * LeBreton (or Comeau), | Smith, |
| Corbin, | * Hervieux-Payette (or Tardif), | Losier-Cool, | Stratton, |
| Cordy, | Joyal, | McCoy, | Tardif. |
| Di Nino, | | | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

| | | | |
|---------|----------|--------|--------------|
| Biron, | De Bané, | Harb, | Nolin, |
| Bryden, | Eyton, | Moore, | St. Germain. |

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cowan

Honourable Senators:

| | | | |
|------------|------------|---------------------------------|-----------|
| Bacon, | Cowan, | * Hervieux-Payette (or Tardif), | Stratton, |
| Carstairs, | Fairbairn, | * LeBreton (or Comeau), | Tkachuk. |
| Champagne, | Hays, | Oliver, | |

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Keon

Honourable Senators:

| | | | |
|------------|---------------------------------|-------------------------|---------------------|
| Callbeck, | Cordy, | Keon, | Nancy Ruth, |
| Champagne, | Eggleton, | * LeBreton (or Comeau), | Pépin, |
| Cochrane, | Fairbairn, | Munson, | Trenholme Counsell. |
| Cook, | * Hervieux-Payette (or Tardif), | | |

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
*Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

CITIES

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

| | | | |
|-----------|-------------------------------|-------------------------|---------------------|
| Champagne | Eggleton, | * LeBreton (or Comeau), | Nancy Ruth, |
| Cordy, | Hervieux-Payette (or Tardif), | Munson, | Trenholme Counsell. |

POPULATION HEALTH

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Keon

Deputy Chair: Honourable Senator Pépin

Honourable Senators:

| | | | |
|-----------|------------|---------------------------------|-------------------------|
| Callbeck, | Cook, | * Hervieux-Payette (or Tardif), | * LeBreton (or Comeau), |
| Cochrane, | Fairbairn, | Keon, | Pépin. |

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

| | | | |
|---------|---------------------------------|-----------|----------|
| Adams, | * Hervieux-Payette (or Tardif), | Merchant, | Segal, |
| Bacon, | Johnson, | Munson, | Tkachuk, |
| Dawson, | * LeBreton (or Comeau), | Phalen, | Zimmer. |
| Eyton, | Mercer, | | |

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

SPECIAL SENATE COMMITTEE ON AGING**Chair: Honourable Senator Carstairs****Deputy Chair: Honourable Senator Keon****Honourable Senators:**Carstairs,
Chaput,Cordy,
* Hervieux-Payette (or Tardif),Keon,
* LeBreton (or Comeau),Mercer,
Murray.*Original Members as nominated by the Committee of Selection**Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**Andreychuk,
Day,
Fairbairn,Fraser,
* Hervieux-Payette (or Tardif),
Jaffer,Joyal,
Kinsella,
* LeBreton (or Comeau),Nolin,
Smith.*Original Members as nominated by the Committee of Selection**Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 92

OFFICIAL REPORT
(HANSARD)

Wednesday, May 2, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
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THE SENATE

Wednesday, May 2, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE JACK WIEBE

Hon. Joyce Fairbairn: Honourable senators, I was unable to be in the chamber last week for tributes to our late colleague Jack Wiebe so I would like to say a few words today honouring a great gentleman, a personal friend and a Canadian hero in the finest sense of the word.

A week ago yesterday I was in Swift Current with Senator Peterson and Senator Banks and Jack's loyal assistant, Marie Russell, to join in the celebration of a truly wonderful life. Jack would have loved the crowd that filled every seat in the church in Swift Current. Side by side were farmers, politicians of every description, Aboriginal friends and an outstanding number of members of the Armed Forces, which he represented as an Honorary Colonel of 18th Artillery Tactical Group, 10th Field, 15th Wing, Moose Jaw.

There was beautiful music from the choir, a stirring eulogy by former Saskatchewan Premier Roy Romanow, and our colleague Tommy Banks was at the keyboard with a special beat for his friend. Then there was Scott MacDougall, who caught the essence of his uncle and life-long mentor in words that brought laughter and pride and a welcome tear from his wife, Ann, the family and all the rest of us.

Outside the church, there was the sound of guns and a flypast where the last planes slowly rolled off and into the clouds with the spirit of Jack.

I met him first as a farmer at meetings across the Prairies and then as an outstanding member and organizer for the Liberal Party of Canada in election after election. He represented his party with skill and commitment in the Saskatchewan legislature and gathered pride and affection from all the citizens of the province as their Lieutenant Governor.

• (1335)

His work here, particularly in the Standing Senate Committee on Agriculture and Forestry, brought the wisdom of a fundamental part of a way of life to senators from every part of Canada.

With all of his service to his province and his country, Jack had one commitment that rose above all else — his beloved wife, Ann, and their family. He told me once he was only here in the Senate for a short period of time because he wanted to take Ann travelling around the world. I am not sure how far they went, but the memories he has left back in his hometown of Herbert,

throughout the province of Saskatchewan and here in this Senate will live on forever. It was a privilege to be his friend.

THE LATE HONOURABLE LLOYD CROUSE, P.C., ONS.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise to pay tribute to a great Nova Scotian, the late Lloyd Crouse, who passed away on April 28.

First elected in 1957 as part of the Diefenbaker government, Lloyd was re-elected 10 times to represent the riding of Queens—Lunenburg, which later became South Shore, Nova Scotia.

I can remember when I was first elected to the other place as a rookie member of Parliament for the riding of Southwest Nova. Not only were we members of neighbouring ridings, but also we were neighbours at work. His office was right across the hall from mine on the fifth floor of Centre Block and we shared a particular interest in fisheries.

In June 1985, Lloyd was appointed to the Privy Council, an honour accorded to only very special people — outside of being ministers, of course — but this would not be his last honour.

In 1989, Lloyd was chosen to become Nova Scotia's Lieutenant Governor; and when the Order of Nova Scotia was instituted in 2001, Lloyd was part of the inaugural group to receive that high honour in 2002.

Lloyd was a politician without equal — in fact, almost a legend. He campaigned with me when I first ran for Parliament from Southwest Nova, and I noticed that he was as comfortable on any wharf as he was on the floor of the House of Commons.

I cannot help but note that Lloyd was a constituent's best friend. At one time, when he was in opposition, he had not been invited to an official announcement, so he chose to sit with the crowd. One of the politicians on stage, who had made sure that Lloyd had not been invited to go on stage, noticed Lloyd in the hall front and centre and said to him, "Why don't you come up on stage with us?" "No, no, no," he said, "I prefer to be here with my constituents." This was the Lloyd Crouse we all knew and loved.

On behalf of all honourable senators, I offer my deepest sympathies to Lloyd's wife, Marion, and her family in this most difficult time.

FINANCE

DEBTS INHERITED BY INCOMING GOVERNMENTS— COMMENTS OF LEADER OF THE GOVERNMENT

Hon. Yoine Goldstein: Honourable senators, in response to a question which I asked in this chamber yesterday, the honourable Leader of the Government said, among other things, the following:

By the way, the government of the Right Honourable Brian Mulroney inherited the worst debt of any government in the country's history from the Right Honourable Pierre Elliott Trudeau in 1984.

That statement, to use the parliamentary term, is incorrect. In fact, in 1985, the debt-to-GDP ratio was 44.5 per cent. When the Right Honourable Jean Chrétien took over in 1993, the debt-to-GDP ratio that he inherited from the Mulroney government was 65.9 per cent — almost 50 per cent higher.

In 1996, the debt-to-GDP ratio was 70.6 per cent, the highest ever in the history of Canada. The Right Honourable Paul Martin brought the debt-to-GDP ratio down to 35.1 per cent; so when the Leader of the Government asserted that the Mulroney government inherited the worst debt of any government in the country's history, she was absolutely wrong.

The senator went on to say:

The fact is that the largest deficit in the history of the country was left to the government that came into office in 1984 following the government of Pierre Elliott Trudeau. That is a fact; it is on the record.

That alleged fact is wrong, again using the parliamentary term.

The honourable senator further asserted, in response to a question which I asked, that it was not a fact that the Liberal government inherited from the Mulroney government the largest deficit in the history of Canada.

• (1340)

Once again, the honourable senator was wrong. Since the honourable senator's figures are wrong, and since the honourable senator's assertions were manifestly wrong, and since the honourable senator asserted them as though they were right, I assume that the honourable senator will take advantage of the first opportunity she has to apologize to this chamber.

Some Hon. Senators: Hear hear!

DEBT INHERITED BY MULRONEY GOVERNMENT

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to put on the record the situation inherited by the Mulroney government in 1984. In the 1984-85 fiscal year, the deficit was a record 8.3 per cent of Gross Domestic Product. Nine years later, the deficit had fallen to 5.3 per cent of GDP. In other words, it was reduced by one third, relative to GDP. The major problem faced by the Mulroney government was compound interest on the debt left behind by the Trudeau government. At the time of the 1984 election, the Liberals were borrowing to pay for programs and to pay for interest on the debt.

The Mulroney government brought program spending under control, reducing it from 18.7 per cent of GDP to 16.8 per cent, reversing the Trudeau government's trend of continuing to increase spending at a faster rate than the economy. As a result, the Mulroney government was able to move into an operating surplus by its third full year in office, covering its program costs in each subsequent year, something that had not happened in the

ten years prior to the 1984 election. By 1993, the hard work had been done, and it was expected that the entire budget, not only the operating budget, would be in surplus within five years, which happened.

Much of the Chrétien government's fiscal successes were due to taking \$26 billion out of transfers to the provinces for health and education, and reaping the economic benefits of the GST and free trade. From 2005-06, when our new Conservative government came to office, to 2008-09, spending growth will average 4.1 per cent, almost a full percentage point below the projected rate of economic growth in that period.

WORLD PRESS FREEDOM DAY

Hon. Joseph A. Day: Honourable senators, as parliamentarians, we rely on the national and international media to fulfill a number of essential requirements in our day-to-day activities. First and foremost, the media provides us with the up-to-the-minute information and analyses of events across the globe. We all rely on the information in our BlackBerries, newspapers and in *Quorum*. Second, parliamentarians need the media to communicate their message to the general public. Third, the media provides a conduit through which public opinion is communicated to parliamentarians. For the Canadian people to be properly informed about what is happening in Canada and around the world, it is essential that we use our positions as parliamentarians to promote freedom of the press and to speak out against individuals and organizations that attempt to obstruct that freedom.

In Canada, journalists struggle with Access to Information requests. When we dealt with Bill C-2, we tried to improve the Access to Information Act to help make the work of journalists more effective. Often, we learn that a story has gone untold because a timely request for information has taken weeks or even months to fulfill. This situation is unacceptable and must be revisited.

Much more troubling, honourable senators, is the fact that violence against the press has increased globally in recent years. In a statement by the Honourable Senator Fraser yesterday, we heard about the number of journalists who have died during the past year. An act of violence against a journalist is an attempt to suppress the truth, and we must do all we can to reverse that trend.

In support of the press, please join with me in acknowledging World Press Freedom Day, which will be celebrated in countries around the world tomorrow, Thursday, May 3.

• (1345)

ASIAN HERITAGE MONTH IN CANADA

Hon. Vivienne Poy: As honourable senators are aware, May is Asian Heritage Month in Canada, and cities from Vancouver to Halifax now hold annual festivals in recognition of the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian communities and their present significance to this country. Asian Canadians now represent more than 10 per cent of our population, and this number is growing every day due to current trends in immigration.

In December 2001, the Senate played a pivotal role in recognizing May as Asian Heritage Month in Canada by voting unanimously in favour of the motion I proposed. Canadian Heritage then presented an official declaration to Asian Canadians acknowledging their contributions.

Canadians of Asian heritage across the country have seized the opportunity to celebrate their heritage and, at the same time, to educate the mainstream community about the changing face of Canada.

As a grassroots movement, the foundation of Asian Heritage Month lies with its many volunteers who organize and host events. I should like to take this opportunity to publicly acknowledge all the volunteers who have worked so hard.

Tomorrow afternoon, Asian Heritage Month will be formally launched at a reception in Room 200, West Block. On May 14, a film about Douglas Jung, entitled *I Am the Canadian Delegate*, will be shown at Library and Archives Canada. This film marks the fiftieth anniversary of the election of the World War II veteran as the first Chinese-Canadian member of Parliament. The Department of National Defence will be present to join in the celebration. I should like to invite all senators to come out to these events.

The Ottawa Asian Heritage Month Society as well as other organizations across the country will be hosting many other celebrations throughout the month. Please come out and show your support in your cities.

Given some of the recent challenges to multiculturalism, it is crucial that community members and political leaders work together to reinforce the ideals that form such an essential part of our Canadian identity.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to call your attention to the presence in the gallery of a former colleague, Senator Raymond Setlakwe.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

MAY 2007 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the May 2007 report of the Auditor General of Canada, as well as an addendum, consisting of copies of environmental petitions we received, pursuant to the Auditor General Act, between July 1, 2006, and January 4, 2007.

[Senator Poy]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF FRANCOPHONE CULTURE IN CANADA

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages be authorized to study and report on the state of Francophone culture in Canada, particularly in Francophone minority communities.

That the Committee submit its final report no later than June 20, 2008, and that the Committee retain all powers necessary to publicize its findings until October 31, 2008.

• (1350)

[English]

TEMPORARY FOREIGN WORKER PROGRAM

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that two days hence:

I will draw the Senate's attention to the need to review the Temporary Foreign Worker Program in order to ensure that it alleviates the difficulties businesses have in circumstances of legitimate labour shortage, without exploiting foreign workers or undermining Canadian labour.

[Translation]

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—TREATMENT OF DETAINEES— CONFIDENCE IN MINISTER

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, our Canadian forces meet exceptional standards of excellence and professionalism.

My daughter Nathalie served Canada in the air force for 20 years until last year, and I am very proud of that. Honourable senators, many of us have had the opportunity to work with our soldiers, be it watching them train here in Canada or during missions abroad, the most recent of which in Afghanistan. The women and men of our armed forces always adhere to standards that meet our expectations as Canadians. They represent our laws, principles and values abroad.

This is why we have been shocked at the allegations that prisoners captured by Canadians in Afghanistan have been abused, tortured or even summarily executed after having been handed over to Afghan authorities. To wash our hands of the fate of these prisoners would go against our values and those of our

armed forces. Our government has denigrated our values and let our troops down. We now know that the government had been made aware of the possible abuse, torture or execution of prisoners transferred to Afghan jails. These warnings came from our consular officers in Kabul and several international organizations.

All the while, our Minister of Defence was wrongfully telling us that a monitoring agreement was in place. Then, the Prime Minister said that entering into a new agreement was unnecessary. We were then informed that a new agreement had been entered into after all, only to learn later that this new agreement had not been finalized or concluded. From then on, each new minister who spoke on this issue seemed to have a different story to tell.

My question to the Leader of the Government in the Senate is this: Why does the Conservative government not take appropriate steps to fulfil its obligations under the Geneva Convention and ensure that the rules for handling prisoners over are followed, thereby protecting the good reputation of Canada abroad?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I share the pride of the Leader of the Opposition in our Canadian Armed Forces. My own son has served in the Canadian Navy for a number of years. I am very proud of his service in the forces and the good training he received.

With regard to her question in regard to detainees in Afghanistan, these are only allegations. While this government takes these allegations very seriously, I wish to emphasize that they are just allegations.

Before coming into the chamber today, I had an opportunity to see a press conference from Afghanistan where General Hillier was commenting on these very issues. He quite rightly pointed out that our government and officials of our government are following up with Afghan officials, and with the Afghanistan Independent Human Rights Commission on this matter, and will offer any necessary assistance in terms of getting to the bottom of these allegations.

[Translation]

Senator Hervieux-Payette: As we speak here today, I am sure our soldiers have had to risk their lives in Afghanistan. Meanwhile, the defence minister changes his tune concerning the treatment of Afghan detainees. I challenge him to prove to us that all Canadians know what the government's policy is on this. There are two possibilities: either the minister does not have control over this file and therefore cannot give us accurate information, or he has misled Parliament and Canadians about the day-to-day guidelines for our mission in Afghanistan.

• (1355)

Meanwhile, the other ministers in the cabinet are not doing much better. Every time they open their mouths, the story changes. The Minister of Foreign Affairs, the Minister of Public Safety, the House Leader, the Minister of Sports and even the Prime Minister have all given different, sometimes even contradictory versions of events and of the policies pertaining to this matter.

My question is very precise. When will this government stop covering up the facts, and give a clear and final answer regarding the measures it plans to implement to protect our soldiers from the lack of political leadership in this file?

[English]

Senator LeBreton: I do not accept the honourable senator's comment at all with regard to the government trying to hide something. There is nothing to hide from. These are allegations.

The previous government did not have an agreement in place with respect to the transfer of detainees until one month before it left office, which was in December 2005.

In addition to the agreement with the Government of Afghanistan, Canada has also recently entered into an agreement with, as I mentioned earlier, the Afghanistan Independent Human Rights Commission. The information we have to date is that these agreements are being respected and are operating as they should.

I can tell honourable senators one thing we will not do — that is, we will not bring Taliban prisoners to Canada, as suggested by the Leader of the Opposition in the other place.

Hon. Mobina S. B. Jaffer: My question is to the Leader of the Government in the Senate.

We can all say that we are very proud Canadians — I am a very proud Canadian. In the past, I have felt the same way because of the moral authority that Canada has shown abroad.

In 1972, Canadians sent planes to Uganda to rescue Ugandans from camps that Idi Amin had set up. Canadians saved us from being tortured. My own husband suffered great harm at the hands of Idi Amin, so I speak from firsthand experience.

My question to the Leader of the Government in the Senate is the following: Why have we given up the standard of not accepting torture anywhere? Why are we now not being careful as to what is happening to Afghans under our responsibility?

Senator LeBreton: The government is not giving up the standard to which the honourable senator has referred. I think the only person that ever talked about torture was a member of the honourable senator's own party, and that person is now the deputy leader, Michael Ignatieff.

I was reading a telling article, the lead editorial, in *Maclean's* magazine on this issue. The article is entitled "Protect the Taliban?" I quote:

The relentless search for failure in Canada's mission to Afghanistan continues.

The article goes on to talk about the British Columbia Civil Liberties Association court proceedings.

Honourable senators, the fact is that that is what appears to be happening — "the relentless search for failure in Canada's mission to Afghanistan" — when, in fact, we all know it is a difficult mission.

As General Hillier pointed out today, there are genuine success stories in Afghanistan. The Canadian military, CIDA and the many people working in Afghanistan as part of the UN-sanctioned NATO mission can be very proud of Canada's efforts there. We are making a difference in Afghanistan, and we should be celebrating successes and not looking for failures, as *Maclean's* magazine points out.

Senator Jaffer: I am saddened. I know of the government leader's history and her compassion. As a colleague of the honourable senator's, I say to her that I know of torture. My family deals daily with the tragedy of what it means to be tortured, even 30 years later.

I am saddened that the government leader did not answer my initial question, but I have a further question for her.

Why are adequate agreements, as have been reached by our allies in this area, not being reached? Why are we not doing the same thing our allies are doing when detaining Afghan people?

• (1400)

Senator LeBreton: I did answer the honourable senator's question. I said that the government does not condone torture. Absolutely nothing has been said or done that would lend credence to the honourable senator's statement. However, that does not in any way undermine the legitimate concerns she has because of her own personal experience.

The fact is that Canada is part of NATO in a UN-sanctioned mission in Afghanistan. We are making a difference. These are allegations only. As the head of the NATO command in Afghanistan said the other day, they, like all NATO countries, are concerned about these allegations.

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. The Minister of National Defence has the responsibility under international law for handling transferred detainees. Having said that, it is clear the minister should have followed up on the allegations of prisoner abuse immediately. Instead, he misled Parliament with mistaken information and claimed he had no evidence of potential abuses. He then turned an about-face and said that he had been assured allegations were being taken seriously, and that he had a new agreement, even when one was not in place. He now has a full-blown scandal on his hands and has become all but silent on this important issue.

Can the minister tell us whether she thinks Canadians and, more important, the men and women in our Canadian Forces, can have confidence in this Minister of National Defence?

Senator LeBreton: I thank the honourable senator for the question. Of course, Minister O'Connor is an outstanding Canadian citizen. He served in the military for many years before offering himself for public office. If honourable senators will recall, the minister gave a full apology for inadvertently providing inaccurate information on the roles and responsibilities of the International Committee of the Red Cross with respect to detainees turned over by Canadian authorities, but the minister has been forthcoming and has worked hard with the military officials to get to the bottom of these allegations.

I do not think anyone would question his commitment to this country, first in his career in the military and now as the Minister of National Defence. It is well understood that he has provided the Department of National Defence, through the actions of this government, with tools, equipment and training that were sorely lacking. He has done a great job since last year in running the Department of National Defence.

Senator Hubley: Honourable senators, the Minister of National Defence has repeatedly changed his story. This was not one allegation; this was not an isolated incident. There were 30 Afghan detainees mentioned in regard to abuse, as part of their handling by the Afghan authorities, and an internal report of the Department of Foreign Affairs and International Trade that highlighted major concerns of torture, abuse and even extrajudicial executions in Afghan jails.

The minister has shifted his story repeatedly. Can the minister assure the Senate, and again our Canadian Forces, that an agreement is in place with a new protocol to process Afghan detainees so that we can have some confidence again that this government is handling this situation correctly?

Senator LeBreton: Honourable senators, we, as a people in this country and as a government, have our military forces in Afghanistan as part of a UN-sanctioned, NATO-led mission. They are working hard. They deserve our full support and they are getting it, including that of the Minister of Defence and the Chief of the Defence Staff, but when honourable senators speak of allegations, these are still only allegations. None of the allegations of these so-called 30 people who are apparently making them has been borne out.

• (1405)

I point out again to honourable senators that at this time, four investigations are looking into the allegations of abuse made earlier this year: The Canadian Forces National Investigation Service, a board of inquiry and two investigations of the Military Police Complaints Commission. It would do a great service to our men and women in uniform in Afghanistan, their support groups back in Canada in the persons of their families, the military and Canadian citizens to await the results of these investigations before we start adding further unproven allegations.

Hon. Gerry St. Germain: Honourable senators, the allegations that we would condone this type of behaviour diminish the high degree of proficiency and excellence that exists in our military. I know Senator Jaffer's family.

Some Hon. Senators: Question!

Senator St. Germain: The honourable senator knows my position in treating people fairly.

Some Hon. Senators: Order!

Senator St. Germain: Did I touch a nerve? I do not know.

The questions that have been directed to the Leader of the Government in the Senate diminish the excellence of our military, and I believe it is paying a price for this, a price they should not be paying, because reports are based on innuendo and allegations. Those of us who have been to Afghanistan know how tough it is.

Does the leader feel this takes away from our military personnel?

Senator LeBreton: I thank the honourable senator for the question. I agree that it takes away from the efforts of our military, as does General Hillier, who, in his live news conference from Afghanistan earlier today, used colourful language to say how the military felt about it.

Hon. Jane Cordy: Honourable senators, I believe that what takes away from our military is the incompetence of the Minister of Defence, standing on his feet, giving different stories every day that Parliament is in session. Four ministers have given different stories, five if we count the Minister of Defence. We have had 12 or more different stories as to what is happening about these allegations.

Why can she not tell the truth? Why can she not let Canadians know what is going on? If this government feels so strongly about the competence of the Minister of Defence, why is he not allowed to rise in the House of Commons to answer questions.

Some Hon. Senators: Hear, hear.

Senator LeBreton: Honourable senators, as usual here in the Senate, we are a little bit behind the curve, and I wish to inform the honourable senator that Minister O'Connor was in the House yesterday and answered questions.

Hon. Terry M. Mercer: Honourable senators, it is like it is here with the Minister of Public Works and Government Services. He is not allowed to get up unless someone gives him a tap with their left foot and says it is okay.

My question deals with the report published in *The Globe and Mail* last week with respect to this issue. Canada's "growing-old" government at first denied such a report existed. When it was finally released under an Access to Information request, it was heavily blacked out. The report now has been referred to the Information Commissioner because there is a concern that some sections were blacked out only because they were politically embarrassing. That matter is serious in its own right. The report revealed that the government knew our officials in Afghanistan had concerns about torture in Afghan jails. Yet, they have continued to say there is no credible evidence such abuse is taking place.

• (1410)

My question to the Leader of the Government in the Senate is simple. Does the honourable senator believe her own government officials would raise such serious issues and concerns unless they felt they had credible reasons to do so, or is the minister saying that Canada's growing-old government does not trust its own officials?

Senator LeBreton: Honourable senators, this question, of course, relates to the issue of Afghan detainees. I have some sympathy when I look across at Senator Eggleton, because he dealt with this issue as the Minister of Defence when he was in government.

With regard to the issue of the blacked-out part of the Access to Information Act request, as government and opposition members know, when it comes to the information provided on these access

requests, lawyers for the government in the bureaucracy make decisions on what information is sensitive and therefore should not be accessible to the public. There is nothing more and nothing less than that.

Senator Mercer: Honourable senators, my question is quite simple. Does the minister believe that the officials who raised these concerns were credible or not? That is, does she or does she not believe the officials that she so quickly hides behind?

Senator LeBreton: Honourable senators, I will not respond to that question. I need only refer the honourable senator to today's *Globe and Mail*, which seems to have pinned their new masthead to this story that they continue to follow. If one looks at their story today, however, they are now claiming that this is a battle between officials and bureaucrats in the Department of Foreign Affairs and the Department of National Defence. That is what they are saying in their report.

In terms of a newspaper report in *The Globe and Mail*, I tend to take the advice of a former minister in the Chrétien government, the Honourable Sheila Capps. When she talked about newspaper headlines, she always reminded people that newspaper headlines today are the wrap for tomorrow's garbage.

Hon. Rod A. A. Zimmer: Honourable senators, my question is to the Leader of the Government in the Senate. The government has repeatedly changed its story on the treatment of detainees in Afghanistan. We have seen confusion on the issue of monitoring detainees, disinformation on whether Canada is funding the Afghan Independent Human Rights Commission, and a lack of acknowledgement of the existence of a Foreign Affairs report. The Minister of Public Safety told us that Corrections Canada had been involved in the monitoring of detainees, but it appears he did not have his facts correct.

Honourable senators, when will we have confidence that the government has control over this issue and when will Canadians get the full picture of what is really going on?

Senator LeBreton: Honourable senators, I believe this place and people in the Canadian public who are concerned about this can have every confidence that the government takes this issue seriously and is dealing with the proper authorities. Minister Day has also heard the rumours from Corrections Canada. Again, I point out these are only rumours and allegations. The proper steps are being taken to look into these matters and to arrive at a reasonable resolution, but there is no proof as yet that any of these allegations are true.

• (1415)

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. If this lack of clarity continues, Afghanistan will turn into our Vietnam. It does a tremendous disservice to our troops on the ground. The answers have not been clear today. There are no answers as to why we are there, what we are doing and how long we will be there. These are simple questions. We need the government to be clear on this matter.

With all of this controversy, how long can we expect Minister O'Connor, the former defence lobbyist, to survive in his job?

Senator LeBreton: Honourable senators, obviously Minister O'Connor does not have the same job security as Senator Munson has, as a former communications director to a prime minister.

However, we are in Afghanistan; originally we were in Kabul. The decision to send our troops into a more dangerous theatre in Kandahar province was made by the previous government. As Senator Andreychuk always points out, Afghanistan is a UN-sanctioned NATO mission. We are in a more dangerous part of Afghanistan, but there are some true success stories in Afghanistan. We focus on this dangerous area along the border of Pakistan. There are many parts of Afghanistan, including Kabul, where we were before the previous government made the decision to send us to Kandahar, with some real success stories.

We cannot predict, in 2007, what the progress will be in Afghanistan in 2009. We have committed ourselves to being there until 2009. At the appropriate time the government will put before Parliament the facts as they are at that time and Parliament will make the decision.

I can say with great certainty that now that our troops are in this dangerous theatre, at least they have a Minister of Defence and the government as a whole that are prepared to properly equip them and give them the resources they need to do the job, which was something they did not have before.

Senator Munson: Honourable senators, I expect that I will be here serving my country for 14 more years. I will be here and the Honourable Leader of the Government in the Senate will be gone.

Does the honourable senator know where Osama bin Laden is?

Senator LeBreton: The only part of the honourable senator's question that actually makes any sense at all is that he will be here longer because I am older.

Senator Munson: That is enough, mom. Thank you.

Hon. Yoine Goldstein: Honourable senators, our troops on the ground in Afghanistan are put in harm's way on a daily basis. The Taliban have promised new attacks; our own forces are planning fresh offences against Taliban forces.

Meanwhile, in Ottawa, this government has allowed itself to become embroiled in political turmoil that has undermined political and public confidence in the mission. Instead of listening to calls for clarity on the mission, and doing what is necessary to regain control, the government casts aspersions on the opposition and tries only to save its own political face.

Continuing to deny that things have spun out of control on this issue, as we have heard today, will only cause the government more political grief at a time when our troops need a strong, focused leadership. Will the government simply and finally admit to the mistakes and start correcting them instead of denying the problem and attempting to cover it up?

While I am on my feet and speaking of denying problems, earlier I was talking about deficits; the honourable senator spoke about spending. My figures come from the Parliamentary

Information and Research Service. I do not know where her figures come from, but I think one thing she said yesterday was true when she said, "I am not an economist."

• (1420)

Senator LeBreton: Honourable senators, I think I had better get the transcript of that question.

First, this government has clearly demonstrated our support for our troops in Afghanistan. We have made sure that the military is properly equipped and we have done a great deal to restore the credibility of our military in the eyes of our fellow countrymen. We support them and we have regained respect in the world for our willingness to support our military.

With regard to the situation of the detainees, I will repeat what I said before. Our officials are following up with Afghan officials and with the Afghan Independent Human Rights Commission on this matter and will offer any necessary assistance in terms of getting to the bottom of these allegations.

The previous government did not have an agreement in place on the transfer of detainees until one month before it lost power in December 2005. Honourable senators will remember that at the time the issue of transferring detainees was the uproar in some newspapers in regard to the Department of Defence transferring prisoners to the Americans. This caused the government of the day to come up with the policy of transferring prisoners to Afghan authorities.

With regard to the second part of the question on the calculations, mine were from the Department of Finance. They were calculations which I got probably around 1993 or 1994.

[Translation]

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, I would like to draw your attention to the provisions of section 22(4) of the *Rules of the Senate*.

[English]

Rule 22, paragraph 4 states:

When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate.

Further in that paragraph, which I shall not read completely:

... a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

I do not wish to sound like a born-again Christian, but during Senators' Statements today we had what was obviously a continuation of the matter raised by Senator Goldstein, which reflected a debate that occurred during Question Period yesterday and which continued in Question Period today.

I thoroughly enjoyed the facts put forward by Senator Goldstein, and I enjoyed the response by the Leader of the Government in the Senate, but I think the whole matter is totally out of order. Senators' Statements does not provide for that kind of exchange in the rules.

I believe that there are precedents dealing with that matter and therefore I would ask Your Honour to rule on that matter in order to clarify the subject. Otherwise, the purpose for which we have instituted Senators' Statements will be totally left aside. Indeed, our rules provide a number of occasions in which to raise such matters besides Question Period where the debate originated. There are motions.

[Translation]

Inquiries and debates in general provide senators with an opportunity to express their views and discuss issues. Therefore, I wish that we would preserve the purpose of the period provided for senators' statements by excluding debates such as the ones that we heard today. Even though I thoroughly enjoyed these exchanges, I feel that they should not take place at that time.

• (1425)

I would like to raise another issue. Yesterday, the Speaker of the Legislative Assembly of New Brunswick instituted a trial period to banish BlackBerries during the assembly's sittings. In my opinion, this should be more than a trial period and BlackBerries should simply be banned in the Senate chamber. Again today, the sitting has been disrupted because of the interference caused by these devices.

New Brunswick is a pioneer in many areas. It was, for example, a leader during the remarkable effort that led to the Confederation of Canada. I think that Your Honour could follow the fine example set by New Brunswick and, on a trial basis, ban BlackBerries in the Senate chamber.

[English]

Hon. Terry M. Mercer: Honourable senators, I want to talk about Senator Corbin's last comment, particularly about BlackBerries in this place. In today's modern world, those of us who are trying to communicate with each other, with people across the country and with people in the areas that we represent need to use every modern mechanism possible.

The other day, as I was watching the debates in the House of Commons, I happened to notice a laptop on the desk of one member of the House of Commons as he was giving his speech. Behind him was another member who had his laptop before him and who was working away, probably either doing his email or —

Senator Stratton: You can do that here.

Senator Mercer: There is a way around this problem. If this place were properly wired — if the Internal Economy Committee and Senate staff would do a little investigation, a solution to the interference of the BlackBerry with the sound system would not be difficult to overcome.

Great technology is available in this country. BlackBerries were invented in Canada. If senators leave their seats and go outside of the chamber to use their BlackBerries — we have a hard enough time keeping quorum on some days. In my mind, we would be

better off trying to find a way to keep senators in their seats. What we should be seeking is a way to enable senators to use BlackBerries and/or laptops in this place. The Legislative Assembly of the Province of New Brunswick would be wise to do the same.

[Translation]

Hon. Joan Fraser: Honourable senators, Senator Corbin raised two points. On the second point, with which I personally agree, I want to pay tribute to the beautiful province of New Brunswick and to the wisdom of the Speaker of its legislative assembly.

I doubt, however, that it is realistic to think that we could ban BlackBerries in the Senate chamber. Your Honour issued a ruling which he has been reminding us on numerous occasions. The problem is with one specific brand of BlackBerries. There are two types of BlackBerry service and it seems that one of them is interfering with our sound system. It would be very helpful if honourable senators would at least use only the service that does not pose a problem.

[English]

On his first point of order, although I always hesitate to take issue with Senator Corbin on these matters, in this case I do.

Senator Corbin: You are taking a big risk.

Senator Fraser: I am well aware of that.

• (1430)

Rule 22(4) states:

... Senators' statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate.

It is of public consequence that Senator Goldstein believed that the Leader of the Government had brought, intentionally or otherwise, an incomplete version of the facts before us, facts which relate to important matters, the budgetary situation of the Government of Canada and its impact on the Canadian economy.

I suppose that Senator Goldstein could have chosen to raise a question of privilege about this matter. In my view, he chose a far more appropriate and senatorial way to address it, which was to make a statement drawing the errors in question to our attention. The matter is not on the Orders of the Day for consideration later, so there was no anticipation of what we were to discuss anyway. In my view, Your Honour, what Senator Goldstein did, *pace* Senator Corbin, was entirely in order.

Hon. Tommy Banks: Speaking to the second part of the point of order, because I would not presume to speak to the first part, I rarely disagree with Senator Mercer but, in this case, I do. This place is not your office and this is not my office. This place is a chamber of debate. This is a legislature. I agree not only with what Senator Corbin said but also with Senator Fraser's intervention that we should not only stop using BlackBerries, to use the colloquial term, that interfere with the electronic system

and cause noise, but also stop using BlackBerries altogether because they interfere with my attention to what you are saying and with your attention to what I am saying.

If we have office business to conduct, we should go to our respective offices. This place is a chamber of debate, decision and legislature. I am opposed to the use of BlackBerries in this place, Senator Mercer, and I am opposed to those other horrible things.

The Hon. the Speaker: I have heard enough to make a ruling on the point of order of the Honourable Senator Corbin. Pursuant to the *Rules of the Senate*, the Speaker determines when he or she has heard enough on a point of order. On the first part of Senator Corbin's point of order, he correctly reads the rule that governs what is appropriate for statements during the time for Senators' Statements.

Senator Fraser has parsed correctly what has transpired. I looked at today's Order Paper and found nothing indicating that what Senator Goldstein said anticipated anything on it. However, Senator Corbin was correct in saying that statements cannot concern matters that are on the Orders of the Day.

With reference to the matter of electronic devices in the chamber, there was a ruling of the Speaker on May 16, 2006. That ruling was not appealed, which means it has the agreement of this house and it is categorical. The *Rules of the Senate* provide that electronic devices, which create a disturbance, not be brought into the chamber.

In this chamber, I have heard, as other honourable senators have heard, bells and other sounds go off. Having such electronic devices here is contrary to the *Rules of the Senate* and to the Speaker's ruling. The matter has been decided. Some honourable senators might wish to refer this problem to the Rules Committee for review in the light of changing technology, et cetera, including better microphones. Even when some kinds of BlackBerries are turned off, the wavelengths continue. Not all of the microphones in the chamber have been changed, and that is why, even when the devices are turned off, the signal comes through and causes static.

Honourable senators, that is my ruling.

[Translation]

ORDERS OF THE DAY

BILL TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

SECOND READING—DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the second reading of Bill C-18, to amend certain acts in relation to DNA identification.

He said: Honourable senators, today I am very pleased to discuss Bill C-18 to amend certain acts in relation to DNA identification.

This bill has an unusual background and it is highly technical. Before discussing the provisions of the bill and explaining why I feel it is important to pass it, I would like to remind you,

honourable senators, of how the use of DNA can help Canada's criminal justice system.

The police and prosecutors have had access to DNA evidence since the late 1980s and early 1990s. However, it was not until 1995 that the Criminal Code was amended to allow a judge to order a person to provide bodily substances for genetic analysis, a provision that members of the Supreme Court of Canada have unanimously declared constitutional.

Then, in 1998, Parliament passed the DNA Identification Act and amended the Criminal Code to make it possible to collect samples of bodily substances from convicted offenders for genetic analysis and to create the National DNA Data Bank.

At the time, Canada was — and, I am certain, still is — a leader on this issue. At the time, very few countries had such DNA data banks. Of course, in 1998, this was innovative legislation, and it would have been unrealistic to expect it to work perfectly. We were pioneers.

Even before the legislation came into force, a number of problems were identified. That is why, in 2000, Parliament passed Bill S-10. Throughout my speech, I will refer to the legislation by the bill number. I think that will make it easier for honourable senators who participated in the debates on those bills to recall them.

Bill S-10, adopted in 2000, made many technical changes. It extended the DNA system to the National Defence Act and provided for a review of the DNA legislation five years after its entry into force on June 30, 2000.

I would like to kindly point out, honourable senators, that this statutory review has not yet taken place and that it has now been delayed by almost two years. I hope we will go ahead with it.

In 2002, the Department of Justice undertook consultations in order to address several significant problems discovered in the first two years of implementation.

• (1440)

This consultation was not intended to replace the planned five-year review to which I just referred. However, due to the elections which took place, it was not until May 12, 2005, that we learned of the results of this consultation. Bill C-13, to amend the Criminal Code, the DNA Identification Act and the National Defence Act was adopted in the other place after major amendments were made in committee.

Unfortunately, this bill was reviewed quickly in the Senate because an election was imminent.

On May 19, one week after it was adopted in the House of Commons, Bill C-13 was passed at second reading, studied for only half a day, went on to third reading and received Royal Assent.

Bill C-13 became Chapter 25 of the Statutes of Canada, 2005, but I will continue to refer to it as Bill C-13. As I make my presentation, you will understand why I am referring to this bill and why it is important to our examination of Bill C-18.

[Senator Banks]

Some provisions of Bill C-13 came into effect when it received Royal Assent, including the expansion of the retroactive scheme.

Federal officials and their provincial colleagues began preparing for the proclamation of the remaining provisions of Bill C-13 once the bill was adopted.

A review of the provisions revealed technical problems that had to be addressed before proclamation, as well as certain procedures that had to be modified to improve effectiveness and lower costs.

In November 2005, Bill C-72 was introduced to make the changes officials had recommended. When Bill C-72 unfortunately died on the Order Paper, the Department of Justice immediately organized a two-day meeting in Toronto for police, prosecutors and corrections staff to take an in-depth look at Bill C-13 and Bill C-72.

As a result of that meeting, other changes were recommended. Bill C-18 contains the amendments proposed in Bill C-72, as well as the other changes recommended by officials.

I hardly need remind you, honourable senators, how useful the National DNA Data Bank is to police.

As of March 26, 2007, this bank had assisted police with investigations by matching DNA profiles found at crime scenes with the DNA profiles of 6,829 convicted offenders and matching 1,808 crime scene profiles with other crime scene profiles.

The bank has become even more useful with the increase in the number of profiles of convicted offenders and crime scene profiles. In 2005-06, the data bank made 1,900 matches between crimes and convicted offenders and more than 1,000 matches between crimes and other crimes.

As I said, some provisions of Bill C-13 came into force at Royal Assent, but most of them still have not come into force. For those of you who have access to the Criminal Code, you will see that these provisions are in grey to indicate that they still have not come into force.

The following are the main improvements made by Bill C-13 that still have not come into force: allowing courts to make DNA data bank orders against a person who has committed a designated offence but who was found "not criminally responsible by reason of mental disorder"; adding Internet luring of a child, uttering threats, criminal harassment, and "criminal organization" offences to the list of designated offences; moving "robbery" and "break and enter into a dwelling house" and child pornography related offences from the list of secondary offences to the list of primary designated offences in order to increase the probability that a court will make a DNA data bank order; creating a new category of 16 extremely serious offences for which the courts will have no discretion whatsoever and must make the order; broadening the definition of secondary designated offences for the purposes of DNA data bank orders to cover all offences under the Criminal Code or the Controlled Drugs and Substances Act that are punishable on indictment by five years or more; including now-repealed sexual offences — among others, indecent assault male, indecent assault female and gross indecency — in the list of sexual offences designated by the retroactive provisions; simplifying the effective taking of bodily

substances of offenders on release who are subject to a DNA data bank order, by creating a procedural mechanism compelling the offender to appear at a certain time and place to provide a DNA sample; and finally, Bill C-13 proposed, although this is still not in force, ensuring that an offender's DNA profile remains in the data bank until the order against him has been rescinded.

It is therefore important for Bill C-13 to come into force soon.

Bill C-18 will greatly improve Bill C-13 in many regards and it will also make it simpler to implement.

I will explain the main changes proposed in Bill C-18. I have already outlined the significant changes made to the offences covered by the scheme proposed in Bill C-13.

Bill C-18 simplifies the wording, but the offences remain unchanged. It corrects the numbering of provisions and specifies that the new provisions apply to individuals sentenced after Bill C-13 came into force for an offence committed before the said bill came into force.

One of the new provisions in Bill C-18 would allow a court to set a date within 90 days after the day a person is sentenced to consider making a DNA sample collection order.

It is believed that one reason why the DNA data bank does not contain as many samples from convicted offenders as was expected at the time when the act was passed in 1998 is that busy courts and prosecutors do not worry about making such orders until it is too late. Under the provisions of the new legislation, the authority to collect bodily substances has to be granted at the time of sentencing.

Giving prosecutors 90 days to review their files should allow them to submit applications for many cases which currently fall through the cracks of the system.

One provision in Bill C-13 that is now in force allows an order to be made retroactively with respect to offenders convicted of a single murder, sexual offence or manslaughter prior to June 30, 2000, instead of requiring that the individual be found guilty of two murders or two sexual offences committed at different times.

• (1450)

Bill C-18 would add attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions. Furthermore, Bill C-18 would allow for hearings to be held retroactively when the individual is still serving a sentence for one of the designated offences, instead of requiring that individual to serve a sentence of two years or more.

Bill C-13 would allow judges to set a date and time for the collection of bodily substances and provides for the issue of an arrest warrant when an individual fails to report for collection.

Bill C-18 specifies that failing to report for the collection of bodily substances is an offence and that the warrant may be executed anywhere in Canada. It also allows a law enforcement agency to authorize another law enforcement agency to carry out the collection of bodily substances in its place. Such a measure should facilitate the execution of the order authorizing the taking of bodily substances and should lead to a greater number of profiles in the data bank.

Bill C-18 would simplify the procedure for resolving cases where orders appear to have been issued for offences not designated under the law. It would allow the governor general to confirm that the order is invalid, rather than having to take the matter to a court of appeal to have the order revoked.

Honourable senators, Bill C-18 contains many other changes in the wording, as well as technical changes. It contains some 50 clauses. It is a rather technical bill.

I am certain that, when the bill is sent to committee, the minister and the departmental officials will be able to answer any questions the committee members may have on these changes and on how Bill C-13, as amended by Bill C-18, will improve the system.

Honourable senators, I have simply tried to indicate the general nolin of the changes proposed in this bill. You will have noticed that there are some slight substantive changes and that most of the bill consists of technical improvement to the current system.

Honourable senators, I urge you not to delay in giving your approval at second reading so that we can quickly refer this bill to committee for study, and all our colleagues who have been interested in a DNA data bank for more than 10 years will be able to take the necessary time to question officials and experts who can provide information on the need for this legislation.

Hon. Serge Joyal: First of all, I would like to thank Senator Nolin for his speech. Like other senators from both sides of the House, in particular Senator Andreychuk, we spent a number of hours debating this issue many years ago, when the first bill was introduced.

When we made amendments to the National Defence Act a few months ago, the same members of the committee again found themselves looking at this issue. The corporate or institutional memory of the Senate is useful when a bill must be reviewed five years after its passage. Some of the participating senators are able to remember some of the testimonies and commitments that were made.

The honourable senator was completely right when he said that the DNA data bank was very useful.

[English]

The result of an investigation into the autopsy led to a Toronto hospital whereby the doctor who conducted that autopsy was found responsible for wrongfully reporting, which was later connected to wrongful convictions. If DNA results would have been available at that time, there would, of course, have been a different result. There are clear, recent examples that provide a good illustration of the proposal of Senator Nolin.

I wish to come back to one of the issues very present in the minds of Canadians. That is, a recommendation that the Auditor General of Canada made in her report, which was tabled in both chambers yesterday. One of the key issues the Auditor General pinned in her investigation is the quality of DNA analysis. I will read the terms so that I can be precise in my question to the honourable senator.

She cites quality issues and the backlog of DNA analyses as run by six RCMP labs, which of course result in unacceptable consequences. That means people who are guilty are still free to

walk the streets and people who might be found guilty may not have the benefit of a quick answer to the analysis. The backlog has increased throughout the years instead of being reduced. Analysis time has increased from 50 days to 91 days to 114 days. Therefore, we are not on a path of solving the issues, we are on a path of increasing the problem.

I wonder if the honourable senator, who is very concerned about these issues, can confirm to us that we will have an opportunity to review the bank's management plans.

Honourable senators may remember that the RCMP Commissioner appeared to describe his commitment in managing the bank in an efficient manner with the cooperation of provincial and other police forces in Canada in order to improve the justice system. Of course, the conclusion of the Auditor General has led us to conclude that, in fact, it is the other way around.

[Translation]

Senator Nolin: When I read the report yesterday, I, too, thought it was quite a coincidence. I was expecting this question to come up. Nothing would please me more than to join those demanding a thorough review of the shortcomings. Bill C-13, which we have already considered, included a number of changes to the work we did in 2000, but we spent only half a day on it. We did not have enough time. Many people on both sides of this chamber had questions. From 2000 to 2005, people in my party raised a lot of questions about the wisdom of giving the RCMP the authority and the means to process the samples. Is the RCMP able to process them quickly enough to ensure efficient police investigations? The Auditor General's report indicates that it might not be.

We have to study this matter. Bill C-18 resurrects amendments in Bill C-13 that were not brought into force because federal and provincial officials found that the legislation required amendments to make it more effective. We can use what the Auditor General told us yesterday and the material in Bill C-18 to enhance the quality of work in this regard. I am certain we will find answers. If we have to improve the statutory element of the enormous task of maintaining an effective data bank to find good solutions, we will make amendments and study possible solutions.

• (1500)

Senator Joyal: Honourable senators, I know that other senators wish to participate in the debate and the honourable senator has identified the source of my concerns. The situation is such that we must arrive at the conclusion that the laboratory that supplies the DNA bank is experiencing serious delays. This situation raises serious questions about how it is managed. We will perhaps have to consider that we must review, the manner in which progress has been made, in a reasonable period of time, and as the honourable senator said, in accordance with the legislation.

I believe that the best way for Parliament to carry out this responsibility is to not always wait until there is a huge problem but to check, at regular and reasonable intervals, that the goals have been achieved. That is what allows us today to look at the system as a whole and to draw the conclusions that we must, to ensure that the service operates as it should.

I would invite the honourable senator to consider the possibility that we should include in the bill the statutory review enabling us to note the positive results as well as any problems we should examine in order to find reasonable solutions.

Senator Nolin: I wish to eliminate any redundancy. The framework legislation that established the data bank provides for this five-year statutory review and it was the Senate that made this amendment. The problem is that a statutory review was not carried out after five years. Seven years have now elapsed. We must study Bill C-18. I am convinced that the leaders on both sides of this chamber would be satisfied if we were to propose, in the near future, that we initiate the statutory review. Will we have the time while we are studying Bill C-18? I do not believe so. But I do believe that we must use all necessary means to do so, in order to have a long-term view of what was done and what we would like to see happen in order to improve the bank.

Bill C-18 seeks to correct some of the shortcomings. Should this replace the statutory review? No, but I believe that bill C-18 is a step in the right direction.

[English]

Hon. Larry W. Campbell: Honourable senators, I support this bill, but I find myself in the position of having to defend my former colleagues in the RCMP. It seems to be that now is the time to kick the horse when it is down.

I bring to the attention of all senators that the RCMP lab is not only responsible for DNA testing, but also virtually all forensic scientific testing in this country, which ranges from document examination, to firearms and to THC content in marijuana. Over the past three to four years, this lab has analysed a million samples from just the Picton trial, which involves the death of women in British Columbia.

Nowhere in this report does it say that we cannot trust the RCMP analysis, and I think any suggestion of that is wrong and should be changed. It does say that there are problems with the timing, and there is no question about that. Since 1969, there have been many problems because government has never funded this lab properly, and that includes all governments since 1969.

DNA analysis is a cutting-edge industry and the testing process And the scientific basis is continually being upgraded. I beg honourable senators not to shoot the messenger. In fact, this is the place where we should have one central repository in Canada. The Vancouver police department, which is the third largest police force in Canada, does not have its own labs. All of the testing goes to one central location.

All evidence analysis operates on a priority basis. If you come in with evidence on a break and enter, and then I come in behind you with evidence on a murder, yours goes down the list and the murder goes on the top.

I totally support this bill. It is an important part of keeping Canada and our citizens safe. I urge honourable senators, when we study this bill, to recognize that DNA analysis is an expensive process and we must put the money into it to get the best result out of it.

Senator Nolin: There is definitely a question included in that statement. We will definitely do what the honourable senator suggests. Our job is not to demolish what we helped to build; our job is to make it better. The Auditor General's report is only an element of the inquiry that the committee will undertake.

The honourable senator raises the fact that we have cutting-edge technology in terms of DNA research, and we want to continue that. We want the statutory support to be cutting edge as well, and that is exactly what we are aiming at.

Hon. Lorna Milne: Honourable senators, Senator Nolin may have already answered my question. As he said, it has been seven years since the Standing Senate Committee on Legal and Constitutional Affairs had a crash course in DNA testing. There have been enormous advances made in DNA testing in those seven years. Analysis now requires a much smaller sample. The entire testing process is much shorter than it was then, and the accuracy of the results is much better.

Does this bill take any of that into consideration? To the knowledge of the honourable senator has the DNA bank — it may well be that Senator Campbell can answer me — amended any of its procedures to take that into consideration?

Senator Nolin: I thank the honourable senator for her question. A few clauses of the bill do exactly what she suggests. I will give one example without referring to the clause for the sake of the discussion we are having.

Since we began this process, other countries have created their own banks. Police forces from our country and those countries exchange information from time to time for the sake of solving crimes. We have problems because we are too advanced or our technologies are different. This bill will try to give our police forces the capacity to compare our bank with other banks. The advancements in technology are at the heart of some clauses of this bill. Definitely, the answer to the question is yes.

On motion of Senator Trenholme Counsell, debate adjourned.

• (1510)

INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Johnson, for the second reading of Bill C-294, to amend the Income Tax Act (sports and recreation programs).
—(Honourable Senator Mahovlich)

Hon. Francis William Mahovlich: Honourable senators, it is my pleasure to rise today as the seconder of Bill C-294, to amend the Income Tax Act.

The purpose of this bill is to allow an exclusion from taxable income for certain allowances in respect of board and lodging for amateur athletes. As always, honourable senators, I am pleased to support any initiative that helps Canada's amateur athletes.

I have experienced first-hand how challenging it can be to fulfil the financial demands of competing as an amateur athlete in Canada. When I was an amateur athlete, I was fortunate enough to be able to stay at St. Michael's College School in Toronto. However, I recognize the critical role that lodging allowance plays in helping these athletes.

Furthermore, I feel it is important that we recognize the families that volunteer their time and open their doors to amateur athletes as host families. Without lodging allowances, and the kindness of host families, Canada's amateur sport would be crippled. This is why it is so important that we, as parliamentarians, do as much as we can to support these athletes and lift the financial burden that they bear.

This bill does two things. First, it will allow individual athletes under the age of 21 to exclude, from taxable income, a reasonable lodging allowance up to \$300 a month from their non-profit teams. Furthermore, if the lodging allowance is paid by a non-profit team on behalf of the athlete to an individual such as a host parent, that individual will also be allowed to exclude up to \$300 from their taxable income.

While I support the objective of the bill, I cannot help but highlight the same questions my honourable colleagues have raised.

First, how far does this bill go in helping amateur athletes in Canada? Bill C-294 targets athletes under the age of 21. It is likely that well over the majority of these athletes do not earn an amount over the personal income tax exemption rate and, as such, cannot benefit from this personal exemption. Furthermore, as my honourable Liberal colleague pointed out, it appears that the Canadian Revenue Agency currently allows host families receiving monthly allowances from non-profit teams to declare the allowance as non-taxable income.

[Translation]

Honourable senators, again I ask, how many Canadians will benefit from this bill?

[English]

Third, I draw your attention to the question that the Honourable Senator Cordy asked yesterday. Is the bill specific to Tier-Two hockey or is the bill for any athlete, male or female, who pays board and resides in another part of the country?

Without putting words in Senator Cordy's mouth, I suspect she was getting at the fact that the government's intended application of the bill appears to place greater value on Tier Two hockey than on other sports in Canada. The text of the bill is currently broad enough to include all amateur athletes, but failure to include a definition of "athlete" may allow its application to be limited to Tier Two hockey players.

Honourable senators, while I, as much as anyone else, understand the key cultural and historical importance of hockey in this country, I still think that this bill should apply to Canadian athletes participating in any amateur sport in Canada.

[Senator Mahovlich]

Therefore, I urge the committee studying the bill to consider including a definition of "athlete" broad enough to address this concern. In allowing all amateur athletes in Canada to benefit from this bill, Parliament would send a clear message that all sports are important to the development of future generations.

Despite my concern that Bill C-294 might not do enough for amateur athletes, I am pleased to support its passage and urge all colleagues to do the same. At the least, this bill shows Canadians that parliamentarians are aware of the financial burden that amateur athletes bear, and may provide some new relief to a small number of Canadians.

In closing, I urge the federal government to continue in the spirit of this private member's bill and to introduce further initiatives to encourage and support amateur athletes in Canada.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: When shall this bill be read the third time?

On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on National Finance.

STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Employment Equity in the Federal Public Service — Not There Yet*, tabled in the Senate on February 20, 2007.—(Honourable Senator Tardif)

Hon. Joan Fraser: Honourable senators, I move the adoption of this report.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(Honourable Senator Andreychuk)

Hon. Larry W. Campbell: Honourable senators, I am standing for Senator Andreychuk. I have spoken to the senator and she has graciously allowed me to speak.

I will begin by prefacing my decision to stand before you today with the knowledge that I am a strong believer in making sure that one's house is in order before attempting to fix all the problems that exist throughout the world. With that being said, this issue is one that is so egregious that I feel compelled to speak.

The death and human misery in Darfur has dragged on for far too long and despite a concerted effort by fellow colleagues in this chamber, the government has refused to heed the call for immediate action.

Unfortunately, the ability of humanity to be indifferent to the plight of others is staggering and something that always astounds me. Our willingness to put off the inevitable and act in heartless self-interest at a great cost to human lives is shocking and one that I find personally repulsive.

Senator Dallaire made a statement on the subject of the value of human life, which I find inspiring: "We would do well to remember that humans are human — not one of us is more human than the other."

• (1520)

I could remind honourable senators about the 200,000 civilians that have been killed to date. I could mention the 2.5 million displaced persons driven from their homes by government-backed militias. I could mention that the Africa Union, which has attempted to step up to solve the problem with a made-in-Africa solution, has run out of funding and capacity, leaving the majority of the forces in the region unpaid and grossly inadequate. I could mention all of these things, but they are all already known to us.

The government in Khartoum is incredibly cunning. They know that the longer this issue draws out, the less concentrated the international call for change will be. They know we have a short attention span and a strong aversion to risk. They know that the international community is like a child that cannot foresee the benefit of short-term pain for long-term gain.

Honourable senators, Canada needs to take a stand. We have lost respect at home and around the world on our poor environmental stewardship, our neglect of Aboriginal peoples, the insufficient protection of Canadian citizens abroad and on our ability to formulate a strong and successful vision for Afghanistan. Our lead on the issue of Darfur would be a strong step toward repairing our moral compass and reinstating our role as a can-do country.

I know many will criticize this initiative. They will tell us our forces are already stretched too thin, and I agree. What I am calling for, however, along with Senator Dallaire, is for the

contributions of military equipment and training staff, which the Canadian military does have on hand, as well as our excellent Canadian diplomatic leadership on the issue to create coherent and consistent international pressure on the Government of Sudan. By doing so, we would uphold our responsibility to protect and, in the face of such brazen breaches of human rights, would demonstrate our resolve.

There have been no less than six UN resolutions on Darfur, all of which have gone unanswered. Last year, UN Security Council Resolution 1706 gave the world some hope that action would finally be taken. The call for a 20,000-strong force of peacekeepers was an action that could potentially quell the conflict and return some semblance of normalcy for the women, children and men in Darfur.

The Khartoum government has managed to stall the mission ever since. How long will we wait — until they kill the remaining 2.5 million displaced individuals?

I would like to remind the government of what Dante said:

The hottest places in hell are reserved for those who in times of great moral crises maintain their neutrality.

On motion of Senator Jaffer, for Senator Andreychuk, debate adjourned.

[Translation]

CRISIS IN CANADIAN CULTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Champagne, P.C., calling the attention of the Senate to the crisis in Canada's cultural sector.
—(Honourable Senator Fraser)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is an extremely interesting issue. That is why I plan to prepare detailed notes. I would like to resume debate at an appropriate time in the future. I would therefore like this inquiry to stand in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, May 3, 2007 at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 93

OFFICIAL REPORT
(HANSARD)

Thursday, May 3, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, May 3, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

May 3, 2007

Sir,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 3rd day of May, 2007, at 10:30 a.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, May 3, 2007:

An Act to amend the Criminal Code (criminal interest rate) (*Bill C-26, Chapter 9, 2007*)

An Act to amend the Canada Elections Act (*Bill C-16, Chapter 10, 2007*)

An Act to amend the Canada Pension Plan and the Old Age Security Act (*Bill C-36, Chapter 11, 2007*)

[English]

SENATORS' STATEMENTS

USE OF BLACKBERRIES IN CHAMBER

Hon. Terry M. Mercer: As honourable senators will recall, a discussion took place yesterday, following Question Period, with respect to the use of electronic devices in this chamber.

Research In Motion, the company that makes the BlackBerry, with offices in Waterloo, Ontario, and Dartmouth, Nova Scotia, is a very successful company.

An Hon. Senator: Dartmouth?

Senator Mercer: Exactly. The BlackBerry is sold worldwide. Following yesterday's debate in this place with respect to the use of the BlackBerry in the chamber, I was curious as to the policy respecting the use of the BlackBerry in the United States Senate and in the United States House of Representatives — the U.S. being Canada's biggest customer. As a result, my staff did some research for me and the following information was obtained.

The U.S. House of Representatives does not allow on the floor the use of laptops or any other devices that make noise. It does, however, allow the use of BlackBerries that have been placed on vibrate. The transmission signals do not interfere with the audio system.

The United States Senate does not allow on the floor the use of laptops or any other devices that make noise. The Senate does, however allow the use of BlackBerries that have been placed on vibrate. The transmission signals do not interfere with their audio system.

Honourable senators, this information was obtained, by the way, from the Senate and House of Representatives parliamentary offices of the United States of America.

Your Honour, one of our many responsibilities in this place is to promote Canadian products worldwide. If we are to talk the talk, it is about time we walked the walk and allowed the use of the BlackBerry in this chamber.

THE HONOURABLE JEAN LÉON CÔTÉ

ONE HUNDRED FORTIETH ANNIVERSARY OF BIRTH

Hon. Tommy Banks: Honourable senators, I thought it was the view of the party to which the senator does not belong that we should emulate the Americans in every respect.

Senator Corbin: Lowest common denominator!

Senator Di Nino: That is why he sits on our side.

Senator Banks: Honourable senators, I rise today to talk about the early history of Alberta because it was peopled, principally, by French Canadians who became Franco-Albertans. St. Albert is the first town in Alberta to have been incorporated. Most of the earliest traders and settlers in the part of Alberta from which I come were francophones. The place names in and around my city of Edmonton and the towns surrounding it are the best bearers of witness to the importance that those Franco-Albertans hold in our community.

• (1340)

This coming Sunday, May 6, is the one hundred fortieth birthday of Mr. Jean Léon Côté, one of our most distinguished citizens. He was one of our predecessors in this place.

In his book, *A History of the French-Speaking Community of Edmonton, 1795 to 1935*, E.J. Hart referred to Jean Léon Côté as one of our most prominent citizens.

Mr. Côté was born on May 6, 1867, in Charlevoix County, which is on the north shore of the St. Lawrence River, just east of Quebec City, and he was the eldest of seven children. He was a direct descendent of the Jean Côté who sailed from Dieppe in May 1634, and landed in Quebec that summer.

Jean Léon Côté grew up to be a large man. He was 6'2" and of heavy build. In 1890, he became a Dominion Land Surveyor with the Department of the Interior. In 1893, he became — and stayed until 1895 — a member of the Alaska Boundary Commission. In 1909, he was elected to the Alberta legislature as the Liberal member for Athabasca and then Grouard, and his interest there focused on Alberta's natural resources, including, in 1909, the Fort McMurray tar sands.

In 1918, he became the Provincial Treasurer; and then, in succession, the Minister of Mines and the Minister of Telephones and Railways. In 1923, he was named to the Senate of Canada as a Liberal for the senatorial division of Edmonton.

I call attention to the fact that Mount Côté, which is near Ketchikan, Alaska, is named after him, as is the hamlet of Jean Côté, which is just 12 miles from Falher, a town near Edmonton. Both of them are essentially francophone communities.

I hope that honourable senators will join me in celebrating the birthday of this distinguished Canadian and our predecessor in this place, Jean Léon Côté.

THE LATE HONOURABLE JACK WIEBE

Hon. Rod A.A. Zimmer: Honourable senators, I rise today to pay tribute and celebrate the life of an honourable colleague, comrade, statesman and great Canadian. He was a gentleman and a gentle man.

In 1961, while I was attending the University of Saskatchewan in Saskatoon, I had a summer job in Herbert, Saskatchewan as a lifeguard and swimming instructor. Contrary to folklore, it was an Olympic-sized swimming pool. Every evening at closing time, this gentle man, who had just come from the field in which he had been toiling during a long summer day, would stand at the fence, peer in and politely ask permission to cool down with a relaxing swim. Every evening, I granted his wish, allowing him to swim alone for at least half an hour.

After a few evenings of this routine, I started joining him for laps, which brought a relaxing end to the day. Soon we became competitors in the water and friends on dry land. Honourable senators, that gentle man was Jack Wiebe.

For the next 19 years, we were not reacquainted until the 1980 federal Liberal election campaign meeting right here in Ottawa. I was chairing Manitoba and this gentle man, who was

seated to my right, was chairing Saskatchewan. Although we only crossed paths like ships in the night during the years that followed, we developed a bond of friendship that lasted until he departed this life.

During his years on earth, he proudly represented his community as a member of the Saskatchewan legislature, as Lieutenant Governor and, finally, as an honourable senator.

His values and human qualities were exemplary, and he led by example in his own quiet way. When Jack entered the room, you knew the world was all right.

To his wife, Ann, and to the rest of his family and loved ones, I convey my deepest sympathy. Ann, my thoughts and prayers are with you and with him.

Jack, I have no plans to join you in the near future and, by the grace of God, I will not, but if I arrive at the gates, I trust that you will return the favour and let me swim in your heavenly Olympic-sized pool after hours.

• (1345)

ABORIGINAL HEALTH

Hon. Gerry St. Germain: Honourable senators, on April 26, 2007, Dr. John O'Neil, Director of the Centre for Aboriginal Health Research, appeared before the Senate Subcommittee on Population Health. In his presentation on the determinants of health of Aboriginal Peoples, he made a number of important statements that bear repeating for the benefit of all senators.

Dr. O'Neil's research positively affirms, I believe, the public policy work underway in the Senate concerning Aboriginal people, and generally addresses the need to institute a regime of equal treatment of human rights across the Canadian spectrum. I will quote several excerpts from Dr. O'Neil's testimony. He said:

The evidence is clear that health inequities in the Aboriginal population are largely determined by inequities in the social, economic and cultural conditions that characterize Aboriginal communities. Poor housing, limited employment opportunities and inadequate community infrastructure and services are widely cited in the scientific literature as the key determinants of poor health outcomes.

Equally clear is the evidence indicating that these conditions will likely only change through Aboriginal self-government. . . . Aboriginal communities that are self-governing and have strong cultural continuity with traditions have lower rates of health problems.

. . . The solution to improving health status . . . is to increase self-government. . . .

Colonization as an historical process works on two levels. On the most obvious level, it works to remove the levers of decision-making and ownership of resources from the hands of the people and puts these decisions and resources in the hands of a foreign or occupying nation. On a less obvious level, colonization captures the soul of a people, undermining a sense of self-efficacy and being able to

determine a future at the individual, community and societal levels. Again, the evidence is clear that this loss of self-efficacy or personal and community autonomy can have a profound effect on health outcomes at all levels. . . .

. . . the Royal Commission on Aboriginal Peoples a decade ago addressed the same question that we are addressing today, and it reviewed similar evidence and drew similar conclusions. . . . Here we are again engaged in a similar discussion with potentially similar outcomes: agreement on the roots of the problem but unwillingness to tackle the fundamental determinant of health inequities in Aboriginal communities.

. . . well-intentioned . . . programs . . . do not address the root causes of the problems. . . . if we continue in this tradition of tinkering with the policy and program levers of the bureaucracy to address a fundamental structural issue in Canadian statecraft, we, or at least our children, will be gathered around tables like these in 10 years addressing the same questions and bemoaning the lack of progress. . . .

. . . the resource base that should be historically available to Aboriginal social development must be honoured and equitably accessible. It is a myth that Aboriginal communities are poor. Although there are exceptions, most Aboriginal nations occupy territory that produces most of the wealth of this country. Resolving land claims, recognizing treaty rights and developing agreements that equitably distribute this wealth should be the first priority in order to strengthen the social determinant infrastructure of Aboriginal communities.

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON RURAL POVERTY— REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on May 16, 2006, to examine and report on the rural poverty in Canada, respectfully requests the approval of funds for fiscal year 2007-08.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On that date, the Senate approved the release of \$101,428 to the

Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.

Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 1429.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, with leave of the Senate and notwithstanding rule 51(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1350)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 3, 2007

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTEENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2007-08.

Aboriginal Peoples (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 7,800 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 8,800 |

Banking, Trade and Commerce (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 22,000 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 8,000 |
| Total | \$ 30,000 |

Conflict of Interest (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 53,000 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 0 |
| Total | \$ 53,000 |

Fisheries and Oceans (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 4,600 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 0 |
| Total | \$ 4,600 |

Legal and Constitutional Affairs (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 42,500 |
| Transportation and Communications | \$ 27,610 |
| All Other Expenditures | \$ 4,000 |
| Total | \$ 74,110 |

National Finance (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 46,800 |
| Transportation and Communications | \$ 15,000 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 62,800 |

Rules, Procedure and Rights of Parliaments (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 19,500 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 0 |
| Total | \$ 19,500 |

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT**

**BUDGET AND AUTHORIZATION TO TRAVEL—
STUDY ON USE OF ABORIGINAL LANGUAGES
IN SENATE CHAMBER—FIFTH REPORT
OF COMMITTEE PRESENTED**

Hon. Wilbert J. Keon, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, May 3, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on October 19, 2006, to incur expenses for the purpose of its examination and consideration of the use of Aboriginal languages in the Senate Chamber, respectfully requests funds for the fiscal year ending March 31, 2008 and that it be empowered to travel and adjourn from place to place within Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and

Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT JOSEPH KEON
Chair

(For text of report, see today's Journals of the Senate, Appendix B, p. 1430.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FISHERIES AND OCEANS

**BUDGET—STUDY ON ISSUES RELATING
TO NEW AND EVOLVING POLICY FRAMEWORK—
REPORT OF COMMITTEE PRESENTED**

Hon. Janis G. Johnson, Deputy Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 16, 2006 to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests the approval of funds for fiscal year 2007-08.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On April 24 2007, the Senate approved the release of \$75,656 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

JANIS G. JOHNSON
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix C, p. 1436.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Johnson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

BUDGET—STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS— REPORT OF COMMITTEE PRESENTED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Official Languages has the honour to present its

SIXTH REPORT

Your Committee which was authorized by the Senate on Thursday, April 27, 2006, to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MARIA CHAPUT
Chair

(For text of report, see today's Journals of the Senate, Appendix D, p. 1437.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On April 19, 2007, the Senate approved the release of \$213,882 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of report, see today's Journals of the Senate, Appendix E, p. 1445.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling Question Period, I wish to draw your attention to the presence in the gallery of His Excellency, Dr. Jaime José Matos da Gama, President of the Assembly of the Portuguese Republic.

On behalf of all honourable senators, welcome to the Senate of Canada.

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

AFGHANISTAN— AGREEMENT FOR TREATMENT OF DETAINEES

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. Amnesty International has taken the federal government to court over the mishandling of the detainee transfer agreement. They are seeking an injunction to ensure that no more prisoners are transferred to potential torture in Afghan jails unless we can effectively monitor their treatment. Today I understand the proceedings were halted in our courts because the government lawyers said they had a new deal.

My question to the minister is whether there is a new deal in place and, specifically, who is responsible for monitoring of detainees under the new agreement?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank the honourable senator for her question. The December 2005 arrangement on detainees remains in effect. We repeatedly said we would work with the Afghan government to

clarify their responsibilities for the treatment of Taliban prisoners and other detainees. Working with the Afghan government, these clarifications make explicit their responsibilities. We have identified and implemented these clarifications to the existing 2005 arrangement, as we said we would do.

Senator Jaffer: I apologize; I have not yet had an opportunity to look at the agreement, but I am sure the leader has. I wish to obtain the assurance from the leader that the situation regarding the allegations of torture of prisoners is now well covered in the agreement. May I ask her for that assurance; namely, that the issue of torture and how Afghans we have detained will be looked after and dealt with is within our control?

Senator LeBreton: Honourable senators, the agreement on which we have been working with the Afghan government was signed by the previous government in December 2005.

We simply sought clarification and have been working with the government of Afghanistan. I wish to make it clear that we are working with the agreement of the Government of Canada as signed by the previous government. The matter here is simply one of clarifying and enhancing that agreement.

• (1400)

Senator Jaffer: Can the Leader of the Government in the Senate specify the exact department that will now be responsible for ensuring that this agreement will be followed?

Senator LeBreton: Honourable senators, these arrangements and agreements are, as they were in the past, within the realm and responsibility of the Department of Foreign Affairs.

[Translation]

NATIONAL DEFENCE

AFGHANISTAN—DIFFICULTIES IN DELIVERY OF HUMANITARIAN AID

Hon. Maria Chaput: Honourable senators, my question is to the Leader of the Government in the Senate. Since 2002, we have repeatedly been told that the influence of warlords continues to grow in Afghanistan. Outside the major cities, there is a feudal system of government in which warlords reign over their territories and compete for power amongst themselves.

This makes it very difficult to transport humanitarian aid in rural regions of Afghanistan. Diseases such as polio, which was thought to have been eradicated, are resurfacing and are spreading in these areas since it is impossible to reach the people who need to be vaccinated. It is difficult to transport food and water.

Our armed forces must work hard in these areas to improve the situation and to help the central government establish its authority in rural areas.

Could the minister give us some information about the work of our troops in this area?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. Before I respond, I would like her to know that tremendous work has been completed on the ground in Afghanistan. I believe the information she has on the treatment of polio is not up to date.

I will be happy to provide the honourable senator with very encouraging numbers in terms of how Canadians especially have been able to assist in beating back this dreadful disease.

It bears repeating that Canada is in Afghanistan at the request of the democratically elected Afghan government. We are there as part of an international, United Nations sanctioned and NATO-led effort.

As honourable senators know, there is no doubt that this is a difficult and challenging endeavour. The Afghan people have been plagued by years of civil strife, extremist rule, poverty and a severe lack of basic infrastructure.

Canada has shown tremendous leadership by committing development assistance and deploying diplomats, development workers, troops and civilian police to help the Afghan people secure a better future for their country. We have made a commitment to help the Afghan people, and we are standing by that commitment.

According to reports within the last few days out of Afghanistan from General Hillier and our troops, they feel they are there for all the right reasons — and they are — and are very much encouraged by the progress they are making.

To address another part of the honourable senator's question — there is no question that this spring has seen increased activity by the Taliban. The Canadian Armed Forces and other NATO partners are working very hard to suppress these Taliban uprisings.

That is why it is so important to support the efforts of our military, our government and of the Canadian people. It is absolutely crucial to the future of Afghanistan and the people whom we are there trying to help.

AFGHANISTAN—LENGTH OF MISSION

Hon. Francis William Mahovlich: My question is for the Leader of the Government in the Senate. Canada has signed a commitment to be in Afghanistan until 2009. That is a commitment we made to the world and to the people of Afghanistan. We obviously want to honour that commitment.

• (1405)

Last week, in the other place, the government voted against an opposition motion that would have made it clear that the Canadian commitment in Kandahar will end in 2009. This leaves the door open to indefinite and infinite extensions of the mission. We are leaving our troops and their families with no certainty about when their huge personal commitments will end, and we are denying Canadians clarity on this mission.

Will the minister tell us how long this mission will go on, or does she think it is a playoff hockey game, where games go into overtime and could last longer than the game itself?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not think using a hockey analogy is appropriate when we are dealing with a situation as serious as Afghanistan. The government voted against what I would call the rather frivolous motion in the other place. We are committed, as we said, to staying in Afghanistan until 2009.

The government, in consultation with our NATO partners and our own military and Foreign Affairs and development officials, will assess the situation on an ongoing basis at the appropriate times. As I said in an earlier answer to that question from another senator, it is impossible to predict or look into a crystal ball and try to make a decision in 2007 that will impact on Afghanistan in 2009.

The government has committed to reviewing this mission on an ongoing basis. When it is clear what the next step should be, the government will come to Parliament with their plans.

INDUSTRY

FUNDING SUPPORT FOR AGRICULTURE INNOVATION

Hon. Lorna Milne: Honourable senators, necessity is the mother of invention, and nowhere is that more clear than on Canadian farms. Farmers know the value of innovation instinctively from their own experiences. They are perpetually adapting and adopting new technologies, developing new products or tapping into new markets. Sometimes this experimentation leads to valuable innovations that benefit us all.

I recently heard of a building material that mixes wood, plastic and agricultural waste to create a waterproof, warp-free particle board resistant to rot and mould and impenetrable to insects. This product is far superior to wood and completely recyclable. However, on many occasions, farmers and other primary producers never get the chance to commercialize their products or take advantage of this ingenuity due to a lack of financial assistance. Large commercial banks simply do not want to take a chance on agricultural enterprises, and other avenues of funding are limited.

Can the Leader of the Government in the Senate tell honourable senators what this government has done to assist farmers and other producers in bringing their innovative products to market to manufacture them? Where is this in the budget?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. No one will argue about the innovation of Canadian farmers. Having been raised on a farm, I can attest to that. The question that the honourable senator asks about a very innovative technology that could have great value is a rather detailed one. When the honourable senator rose and began to address this matter, I was thinking back to her representations about hemp, and I thought she was perhaps going to give us another new idea. It is true, there are some wonderful things made from hemp.

As a result of the explicit details in her question, I will take the honourable senator's question as notice.

Senator Milne: Honourable senators, the Leader of the Government in the Senate is quite right that hemp is a product presently being used to produce these particulate boards and is also used in car panels produced here in Canada.

• (1410)

FUNDING FOR RESEARCH AND DEVELOPMENT

Hon. Lorna Milne: Products such as these are developed by Canadian farms and are the kind of innovations we need to nurture and encourage if we are to address our environmental challenges in a serious matter. I hesitate to bring these problems to the leader's attention in light of the government's tendency to cut programs first and repent later. However, I noticed that my favourite fictional document entitled *Stand Up for Canada* states the following:

It is unacceptable that Canada's expenditure on research and development, at 1.9 percent of GDP, is below all other G-8 countries and well below the OECD average of 2.3 per cent.

Senator Mercer: That is embarrassing.

Senator Milne: I must ask the government what Canada's current expenditure is on research and development. Has it changed in the last 15 months? Is this government prepared to improve the opportunities for innovators to receive future financial assistance?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I appreciate the honourable senator putting on the record the poor record of the previous government, and I will take her question as notice.

FINANCE

REVIEW OF COST OF FOREIGN ACQUISITIONS

Hon. Jeremiah S. Grafstein: Honourable senators, I have another question following my previous question to the Leader of the Government in the Senate with respect to the budget and the government's decision to curtail deductibility for companies investing abroad.

Yesterday, we read in the press that the C.D. Howe Institute, one of the most distinguished independent institutes in Canada, said that this decision is a major mistake and that it would have profound effects on Canadian competitiveness.

All of us in this chamber have watched budgets. Some of us have watched budgets for many decades. Many budgets have made mistakes, even profound errors. However, we have learned that it is not the mistakes one makes but how one recoups and corrects those mistakes that counts.

I urge the honourable senator to urge the government to change this measure immediately because it has profound effects, as the C.D. Howe Institute says, on our competitiveness. The institute also says that the decision will immediately raise the cost of capital for these companies. It deteriorates their competitive position abroad.

Will the Leader of the Government in the Senate prevail on the Minister of Finance to change this erroneous piece of judgment immediately?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The proposed restriction on interest deductibility will help to protect the Canadian tax base and will address issues raised by the Auditor General on previous occasions. The Governor of the Bank of Canada, David Dodge, only yesterday, told the Standing Senate Committee on Banking, Trade and Commerce that he believes that is a good objective and that there should be caution about jumping to any conclusions until the minister brings forward his draft legislation.

As I have said in the past to similar questions from the honourable senator, officials are discussing details of this proposed change with industry representatives as they develop the legislation, including transition issues.

Senator Grafstein: The governor did not say that. He came before our committee and said this matter is complex, which we accept, but we should await the defined regulation. We urge the leader to urge the minister to table it as quickly as possible.

If the honourable senator is talking about the governor's report, the governor tabled his report on monetary conditions. In the report, there is another troubling matter affecting the Canadian economy, and that is the deterioration of our imports. The percentage of foreign imports now exceeds our exports by 5 to 6 per cent. That trend is dangerous. The C.D. Howe report suggests that such investment would create markets for domestic goods.

Not only would it increase the competitiveness of Canadian companies abroad, but it might change the drastic trend where imports in Canada exceed exports. I ask the Leader of the Government in the Senate to move on this quickly.

• (1415)

Senator LeBreton: I responded to the honourable senator's first question with the words of the Governor of the Bank of Canada, Mr. Dodge, which the honourable senator has repeated in his supplementary question — that is, that Governor Dodge said to allow the minister to develop the legislation.

With regard to exports and imports, I take the honourable senator's concerns as notice. I shall attempt to get some further information. Obviously, Canada is part of a global economy. The strength of the dollar, among other issues, plays into the whole import-export situation, as has always been the case.

However, the honourable senator has expressed great concern about this issue and I shall relay his remarks to the Minister of Finance.

[Translation]

NATIONAL DEFENCE

REOPENING OF ST. JEAN ROYAL MILITARY COLLEGE

Hon. Marcel Prud'homme: Honourable senators, the closing of Collège militaire royal de Saint-Jean is one error of the past that I find unforgivable.

Given the very important role the new administration wants to give to the armed forces, could the government now consider reopening Collège militaire royal de Saint-Jean as soon as possible? Could the Leader of the Government in the Senate pass along this request to cabinet and the Prime Minister?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I have not been party to any discussions respecting this matter. I shall be happy to express Senator Prud'homme's concerns and views on this matter to the appropriate people, and shall respond by delayed answer in due course.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, my question is to the Leader of the Government in the Senate. I would like to talk about the Collège militaire royal de Saint-Jean. In 1952, the Canadian Armed Forces were growing, as they are today, and the Conservative member for Trois-Rivières, Léon Balcer, forced the Liberal government to recognize the fundamental importance of enabling francophones to become officer cadets and, eventually, senior officers in the Canadian Armed Forces. Balcer started this campaign 55 years ago; seven months later, the military college opened.

The possibility of starting a new program at the college — a military Cegep that would allow all officer cadets to spend two years in Saint-Jean before going to Kingston, instead of studying only in Kingston — is being considered. In the spirit of progress, would it be possible to support a principle as basic as the freedom of francophones in the Canadian Armed Forces by establishing a Cegep-style francophone bilingual military college?

[English]

Senator LeBreton: Honourable senators, I was around when Léon Balcer was a member of the Diefenbaker government. I can even remember where his office was situated — although I do not believe there is an office there today; it was on the first floor on the House of Commons side.

The honourable senator makes an impassioned plea for this particular facility. I have forgotten the rationale of the previous government for closing Collège militaire royal de Saint-Jean; nevertheless, I am happy to take the honourable senator's arguments to the present government about the need for such a facility, to ensure that there is proper representation in the ranks of our military.

• (1420)

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

RESIDENTIAL SCHOOL SETTLEMENT—APOLOGY

Hon. Larry W. Campbell: My question is to the Leader of the Government in the Senate. I listened intently as Minister Prentice spoke of how he thought it would be more appropriate to wait another five years before apologizing for atrocities committed in the residential school system. I especially loved his reasoning with some vague attempt at a correlation between the residential school system in Canada and post-apartheid South Africa. Let us

be clear: Just because South Africa decided to put off its responsibility to apologize to Black South Africans does not make it right. I never knew that South Africa was the model we were trying to imitate.

Mr. Prentice is trying to compare apples and oranges so he has time to ensure an apology will not cost his government any money. This is just another example of this Conservative government's policy of cash over compassion.

Ever since I have been involved in politics, it has always amazed me how difficult it is for politicians in government, in general, to say those words: "I am sorry."

When will Minister Prentice stop making excuses, listen to Canadians and apologize to the victims of the residential school system?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As we all know, this has been a long, drawn-out process to try to resolve the issues of the residential school settlements.

On May 10, 2006, Minister Prentice announced that the Government of Canada had reached a fair, lasting and historic agreement. We concluded the agreements and budgeted \$2.2 billion in Budget 2006 to address the legacy of residential schools. We are firmly committed to implementing the agreement.

We are also working toward implementing in the agreement elements such as the Truth and Reconciliation Commission, a common experience payment and funding for the Aboriginal Healing Foundation. The commission will be empowered to travel across Canada and report its findings. Part of the settlement was the inclusion of the Truth and Reconciliation Commission. Minister Prentice has worked hard to resolve this issue. In addition, a few days ago, the members of the House of Commons unanimously voted to apologize.

Senator Campbell: I appreciate the answer of the leader. I do not dispute that Minister Prentice has worked hard. He has appeared before our committee and I am not saying that he does not work hard.

What I am saying is that the First Nations and Aboriginal peoples of this country have almost unanimously asked for an apology. This is not attached to any money. This is not attached to truth and reconciliation. This is not attached to any such payments. They are simply asking for recognition that what went on in the past was not right.

Again, I ask when this government will live up to the promises of the previous government, which did say they would make an apology, and when can we expect that?

Senator LeBreton: Honourable senators, it is not clear to me what the previous government had decided to do. We inherited this issue and have tried to resolve it since we formed the government. Minister Prentice has worked hard, he has reached an agreement, and then further added the Truth and Reconciliation Commission, which will address all of these issues. It behooves all of us to let this commission work with the various groups and come to an appropriate resolution of this issue.

[Senator Campbell]

• (1425)

Hon. Robert W. Peterson: Honourable senators, my question is also to the Leader of the Government. This week in the other place, a motion in respect to an apology to residential school survivors was passed unanimously. Now we hear that the Prime Minister and the Minister of Indian Affairs and Northern Development are refusing to apologize on behalf of the people of Canada.

The truth and reconciliation process could take up to five years to complete. A great deal of anger and resentment could build up in that time, and I do not think it has any bearing on the apology.

Can the Leader of the Government assure this chamber that she will encourage her colleagues at the cabinet table to do the right thing and present a full apology to the residential school survivors immediately?

Senator LeBreton: My previous answer to Senator Campbell is my answer to Senator Peterson. In the House of Commons, there was a motion that all members of Parliament supported. Our government agrees that this sad legacy in our history must be addressed. That is precisely why Minister Prentice concluded an agreement on May 10, which included the Truth and Reconciliation Commission. That body will resolve matters of this nature.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table the answers to oral questions asked by Senator St. Germain on March 21, 2007, concerning Budget 2007, aboriginal land claims, entitlements and additions to reserves; by Senator Sibbeston on March 27, 2007, concerning aboriginal business and economic development; and by Senator Mercer on April 17, 2007, concerning Fisheries and Oceans, the Coast Guard, and the redeployment of icebreakers.

BUDGET 2007

ABORIGINAL LAND CLAIMS, ENTITLEMENTS AND ADDITIONS TO RESERVES

(Response to question raised by Hon. Gerry St. Germain on March 21, 2007)

The budget plan for 2007 contains a commitment that the Minister of Indian Affairs and Northern Development will work with First Nations leadership in the coming year to move forward an action plan to accelerate the resolution of specific claims and explore alternatives such as providing for independent adjudication of claims that cannot be settled by negotiations.

Departmental officials met with representatives of the Assembly of First Nations on March 13, 2007 and further meetings are planned. It will take a period of several months to work together with the Assembly of First Nations to be prepared to bring a new system forward for approval.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL BUSINESS AND ECONOMIC DEVELOPMENT

(Response to question raised by Hon. Nick G. Sibbeston on March 27, 2007)

As part of the expenditure review process, in 2005, funding for Aboriginal economic development was reduced by the previous government. Accordingly, the Department of Indian Affairs and Northern Development discontinued its equity programs.

However, in an effort to provide greater focus to the importance of Aboriginal economic development, Canada's New Government transferred, in December 2006, the Aboriginal Business Canada program from Industry Canada to Indian and Northern Affairs Canada. This business development program is currently being consolidated with existing community and resource development initiatives within Indian and Northern Affairs Canada. In addition, a new Aboriginal Economic Development Sector has been established within the department, thus providing the Minister with important community and business development levers.

FISHERIES AND OCEANS

COAST GUARD—REDEPLOYMENT OF ICEBREAKERS

(Response to question raised by Hon. Terry M. Mercer on April 17, 2007)

A decision was made in 1997 following the merger of Fisheries and Oceans Canada and the Canadian Coast Guard (CCG), to consolidate all local Coast Guard personnel and the fleet in modernized facilities at the Bedford Institute of Oceanography (BIO), once expansion work there was completed. It was originally anticipated that all vessels might be berthed at BIO. That work is not yet complete. A decision was required as to whether to invest in repairs at Dartmouth, invest in the new facilities anticipated at BIO, or explore other possible options.

The cost of expanding the wharf space at BIO to accommodate all but the CCGS *Louis S. St-Laurent* and the CCGS *Terry Fox* is estimated at \$10 million. The Coast Guard remains committed to that investment. Once the expansion is complete, CCG Maritimes Region personnel and the rest of the fleet will be consolidated at BIO, and the Dartmouth base will close.

To accommodate the *Fox* and the *Louis* at BIO would have cost another estimated \$10 million. An extensive search for appropriate facilities for the two icebreakers close to Dartmouth was carried out, without success. It was determined that sufficient infrastructure already exists in Newfoundland to accommodate the two vessels. Given that there is no operational need to base the two vessels in Halifax and that sufficient infrastructure and support already exists in Newfoundland to accommodate the vessels, the Coast Guard could not justify making an additional \$10 million expenditure, particularly since the

main theatre of operations for these vessels is the Arctic. The Coast Guard must ensure it invests as much as possible in its operations in support of federal maritime priorities.

This is a straightforward change in home ports for the two vessels that results in significant cost avoidance with no impact on Coast Guard programs and services to clients. The full range of services provided by the two icebreakers will continue.

The decision was made by the Commissioner of the Canadian Coast Guard and received approval by the Deputy Minister and the Minister.

It was considered extremely important to allow the Commissioner and Deputy Commissioner time to meet with the crew of the affected vessels and staff in the Maritimes Region prior to any public announcement. Their first priority was to inform them of the decision, to explain the rationale and reassure them that there would be no job loss nor would anyone be forced to move as a result of the decision. Until the announcement was made, it could not be included in draft versions of the Business Plan. It has since been added.

• (1430)

[English]

ORDERS OF THE DAY

Agriculture and Forestry

BUDGET—STUDY ON RURAL POVERTY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on rural poverty), presented in the Senate earlier this day.

Hon. Joyce Fairbairn moved adoption of the report.

She said: Honourable senators, the motion before you will enable your committee, in the future, as it continues its travels for its study on rural poverty in Canada, to proceed with its second and third trips, to the province of Quebec, in a matter of weeks, and then to the northern territories. These funds will enable us to make the necessary arrangements for these trips as well as to continue our hearings in Ottawa.

Hon. Terry Stratton: As honourable senators are aware, there are four proposed trips to the North, and three of them are close in time. The Aboriginal Peoples Committee took its trip in the fall and the Agriculture Committee and the Fisheries Committee both have trips planned to take place soon. The Rules Committee is also planning to travel to the North.

As Chair of the Subcommittee on Budgets of the Internal Economy Committee, I expressed to each committee chairman making the presentations my concern that three Senate committees will travel to the North. Residents of that region

will be amazed by all the attention they are suddenly receiving from the Senate. The question now becomes one of overlap. The Standing Senate Committee on Aboriginal Peoples travelled to the North to study how to achieve prosperity in the North. Next, the Agriculture Committee will travel to the North to study rural poverty. How might the two be combined? Is the honourable senator aware of conflicts? Has she discussed this with the chairman of the Aboriginal Committee to ensure that the two committees will not be repeating the same work?

Senator Fairbairn: I thank the honourable senator for that question. Yes, I have discussed with the very fine chairman of the Standing Senate Committee on Aboriginal Peoples. Indeed, when we began some time ago, we talked about our trip across Canada, after the two years for the Aboriginal Peoples Committee to do its study, following which it put out a fine report. An agreement was reached with the Aboriginal Committee. I was asked on a number of occasions when we were going across southern Canada whether we would travel to Aboriginal areas. We said that no, we had a different committee. That is the case as well in the North. The committee has talked about the matter and has had the pleasure and privilege of having the chairman of the Aboriginal Peoples Committee as a member of the Agriculture Committee.

Committee members have been working very hard over the past year to do something that no committee in either the House of Commons or the Senate has done — an in-depth survey and report on rural poverty in this country. For many on the committee it was difficult to rationalize the notion that we will have travelled to every province in the southern part of our nation while this country has a northern region that is also interested in this issue.

Honourable senators, the members of this committee would very much appreciate the support of this chamber.

Senator Stratton: I have one last question, if I may. For the information of honourable senators, when the subcommittee on budgets reviews the budget applications, it always asks the question about value for money. Is the Senate achieving value for the Canadian taxpayers' dollar on the trip in the budget plan?

It is the view of the subcommittee that it would not have approved the report if we did not feel that this committee had answered that question. I want all honourable senators to clearly understand that. I still have problems, however, with the matter of overlap. I hope that having Senator St. Germain along will overcome that problem, to a large degree, and I would expect that to happen.

As well, I have a perception problem with four committees travelling to the North, especially the three that are going virtually at the same time, albeit with different ends in mind. It should be crowded up there.

Senator Fairbairn: I thank the honourable senator for his comments. I assure him that the committee will be frugal in its spending on the trip, as it was with other trips and hearings conducted during the last year. If memory serves me correctly, the other day we were able to make considerable savings in our efforts this past year.

Hon. Percy Downe: Honourable senators, I would like to thank the chair and members of the Agriculture Committee for going to all the provinces. I do not share the view of my colleague, Senator

Stratton, Chair of the Subcommittee on Budgets. It is important for Senate committees to visit all regions of Canada and that they not exclude the northern territories and northern Canada in any way.

When a Senate committee travels to Prince Edward Island, for example, there is tremendous interest, enthusiasm and substantial media coverage for the work of the Senate committee. It is important for committees to go outside the region of Ottawa and to travel across the country.

I bring to the attention of all honourable senators that last year the budget for Senate committee travel was roughly \$3.4 million and \$1.4 million of that was not spent. The committees are being frugal. On the other side of that argument, some of the committees might not be undertaking the work that should be done because they might be concerned that there is not enough funding. However, that is not the case. If there is good value for Canadians in the work, then the subcommittee on budgets will consider them.

I thank the Honourable Senator Fairbairn and her committee for going to Prince Edward Island.

Senator Stratton: My question is to the chair of the Agriculture Committee. Did the honourable senator feel in any way that I was against her travel to the North?

Senator Fairbairn: Absolutely not, senator.

Senator Stratton: Thank you.

Senator Fairbairn: I am very thankful for his straightforward response during the meeting on that issue. I know that all members of the committee, through me, send their appreciation to the honourable senator as well.

• (1440)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this exchange has been extremely helpful to me. I was trying to understand why the Standing Senate Committee on Agriculture and Forestry wished to do a study of agriculture and forestry issues in the North, because my experience in the North has been that there is little in the way of agriculture and forestry there. My initial impression was that committee was studying poverty from the point of view of agricultural communities and how these communities would make the transition from a dwindling agricultural sector to a different sector.

If I understand correctly, the committee is not looking at a transition from an agricultural society to something else but, rather, is looking at poverty. I want to be absolutely sure about that. The committee is not looking at a transition period, as such, but at poverty in general?

Senator Fairbairn: Yes, we are, under the full national umbrella of rural Canada. This was put forward with great assistance from Senator Segal, and it is not meant to be strictly an agricultural issue. That is the narrow view of our committee, and this takes a broader view.

We have worked assiduously here in Ottawa for the last year. We would not do this at all if we had not received information in our hearings on an issue that is far more serious than we anticipated when we started.

The only time this type of issue has been studied by a Senate committee was many years ago under the chairmanship of Senator Croll, and it was a small mention. Since then, there has been no study of Canada from this particular perspective.

Senator Comeau: As the committee studies rural poverty, will it look for possible solutions? For example, in Senator Adams' region in the North they have resources close by that could be tapped into to develop the economy. However, many of these resources, which are resources of the sea, are caught and taken to southern ports for processing. Will you look at means by which rural poverty can be eliminated in the North?

Senator Fairbairn: Yes, we certainly will, as we have done everywhere we have gone in Canada.

We had a particularly vigorous beginning to our study through some of the worst blizzards of the winter in Atlantic Canada, where we learned a lot.

Hon. Willie Adams: Honourable senators, I want to contribute to what the senator said about the North. We do not live like people do in the South. We have a caribou population of over 1 million. In the Agriculture Committee, we usually talk about how many cows there are in Canada.

The Standing Senate Committee on Agriculture and Forestry could learn a lot by taking a trip to the North. They could see how people hunt, fish and seal for their families. People in Nunavut earn over \$6 million a year from trapping fox and seals, et cetera.

The Americans, Germans and Italians, as well as people from the South of Canada, come to the North to hunt muskox and caribou. The committee should study how people can earn more income. People want their families to live like the people in the South.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THE SENATE

MOTION URGING GOVERNMENT TO TAKE LEADING ROLE IN REINVIGORATING NUCLEAR DISARMAMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:

That the Senate call on the Government of Canada to take a leading role in the reinvigoration of the urgent matter of nuclear disarmament in accordance with the *Nuclear Non-Proliferation Treaty* at the Preparatory Committee Meetings scheduled to convene April 30 to May 11, 2007 in Vienna which act as a prelude to the next Treaty Review Conference in 2010; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating the dire threat to humanity posed by nuclear weapons.
—(Honourable Senator Tardif)

Hon. Roméo Antonius Dallaire: Honourable senators, I propose to speak to this motion and, in so doing, close debate on the motion and bring it to a vote.

The Hon. the Speaker: Honourable senators, if Senator Dallaire speaks now, it will have the effect of closing debate.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I must say that it is one of the issues that has interested me the most throughout my entire political career.

I was Chair of the International Commission on Political Issues, International Security and Disarmament of the Inter-Parliamentary Union.

I will repeat. I was the international chair of nuclear disarmament until I nudged out because I sat as an independent senator. I would like to say that the issue of nuclear disarmament is of the utmost interest to me and I will be listening very carefully to the discussion.

Although that may have been my intention, I will not be participating in the debate.

The Hon. the Speaker: Is Senator Prud'homme moving adjournment of the debate?

[English]

Senator Prud'homme: No, that is not my intention. I could have done so, but I prefer to listen to the conclusion of Senator Dallaire's remarks. I want him to know that I support him fully.

[Translation]

Senator Dallaire: I thank Senator Prud'homme for always surprising me with procedure. It is educational for me to watch one of our most senior colleagues come forward in this manner.

[English]

Honourable senators, there is simply no other issue of equal or greater importance, significance, danger or threat than that of nuclear weapons to Canadians and to global security. This sword of Damocles hovers above our collective head; it hovers above humanity.

We seem to be stuck in a Cold War paradigm that no longer works. The Cold War is history. It is over. It was won. We did not need to fight. We invested and committed. It is over. There is no more threat of world domination by the great powers that we saw for over four decades in Central Europe.

After 9/11, too many countries have been in a paralytic state. The status quo and the same entrenched positions simply cannot continue. We seem to be hovering and trying to avoid the problem. This is not the time to watch and listen and see what might happen. This is not an approach; this is an abandonment of the fact. This is an irresponsible position taken by non-nuclear nations in permitting the nuclear nations not only to expand their capability, modernize their capability but also to aid other countries to acquire the capability, as the United States has recently done in supporting India in increasing its arsenals.

• (1450)

It is Canada's moral obligation to assume a proactive leadership role to save the Nuclear Non-Proliferation Treaty — our last best hope to stave off a frightening cascade of nuclear proliferation from which there can be no rescue. The treaty is not monolithic; it has two legs, just like we have. One leg is non-proliferation. We do not want other countries to acquire the ability to annihilate humanity. That makes sense. The other leg is those who have it should get rid of it — essentially, disarm. Do not modernize; do not increase capacity; do not tell us that by reducing the numbers you are actually reducing the threat. What we are seeing is that countries are reducing in numbers but increasing in yield because the systems are more effective. They are becoming more powerful.

It bears consideration that, despite Canada's status as a non-nuclear weapon state, our hands are not clean. Canadian uranium has found its way into nuclear weapons, including the Hiroshima bomb. Although we were duped, Canada provided nuclear technology and materials that enabled India to acquire a nuclear weapons capacity and thereby to be involved in a nuclear arms race in the most volatile region of the world. Look at all the time we are wasting on Afghanistan and detainees when the place will go up in smoke with nuclear weapons. Not a word is being said by either side in either House.

We continue to treat nuclear weapons as a necessary element of Canadian and NATO defences. That is a false premise. That is not a defensible threat when we look at the vulnerabilities of the international community.

The first of three preparatory committee meetings, under the Nuclear Non-Proliferation Treaty, that lead up to the review conference that will be held in 2010, as it is every five years, is presently under way in Vienna. United Nations Secretary-General Ban Ki-moon took the unprecedented step of addressing the gathering due to his perception of a "persisting crisis of confidence in the treaty," and "insufficient progress in nuclear disarmament."

Let us send an unequivocal, strong message to our delegation that Canada is not content being a mere bystander but is committed to building bridges, devising creative alternative security mechanisms and engaging in tough talk, where necessary, to advance the process. In order to demonstrate our commitment to disarmament, we must ensure that senior people are in charge of this portfolio and are sent as our delegates.

Honourable senators, the word I got from our delegation is this: We will go there and watch and see what is going on; we will monitor what is happening. Canada has not sent a delegation with a mandate, in any way, shape or form, on disarmament.

Canada has sent a delegation to Vienna. Canada, a leading middle power in the world, with a capacity of arming ourselves with nuclear weapons if we wanted to, has sent a delegation to Vienna to watch and see. If Canada ranked 163 out of 194 countries in the world, with limited technology, I would say that that is probably a smart move, that it might help emancipate the country with regards to the world theatre. However, if one of the leading nations in the world is "watching and seeing," who the hell is running the place? Is it the super powers, who will continue to dominate the argument with non-proliferation because it skews their power structure in the world? Or will Canada actually lead?

Canada country has the resources to acquire nuclear capabilities and, ultimately, to use the weapons, heaven forbid, if we ever wanted to go that route. Canada could say at that meeting that this country is not going down that route, that we have stopped going down this route. Canada could say that it wants NATO to stop going down that route. Canada could also say that, by the way, it is high time the big boys stop fiddling with our human rights — our right to live, our right to exist, our right to security — by modernizing and increasing their capabilities. For what? To create another artificial nuclear umbrella as we had in the Cold War.

Not only is there an incredibly complex threat in the world today — with terrorism and imploding nations, with extremism and dogma that is pushing people to extremes — but also, a new umbrella is going to be created. This new umbrella will not be Eurocentric — it will be spread around. Instead of having an umbrella of nuclear capability over Europe, we will put a prophylactic of nuclear capability over the globe. In so doing, we will ensure that everyone stays inside it, and some day it will implode.

What will happen then? Honourable senators, we will simply eliminate humanity. We will not be talking about contamination in "this area" or "that area." We will not be talking about a place that may take generations to come back; we will not be talking about sending money to help people who are deformed as a result of nuclear fallout. We will not be talking about an event like World War II, where a couple of cities were blown up. With the yield capability that exists, we will be talking about the whole environment.

Kyoto is small potatoes compared to this. The destruction of the two towers in New York will be seen as insignificant compared to the destruction created by the first tactical nuclear device launched by some extremist whacko in any town in the world. The paranoia that exists, that our American colleagues live — that paranoia is like a cancer in them; Americans do not exist as they once did, because of that vulnerability — is nothing. Once a nuclear device is launched, the whole world balance will be changed. The world balance will not be skewing just for a time; the skew will be permanent, because there is so much uncontrolled nuclear capability out there, as a result of the Cold War.

So, honourable senators, tactical weapons of 150 kilotonnes that are easily deliverable exist. To put that into perspective, a 150-kilotonne nuclear weapon is 10 times the size of the Hiroshima bomb. A 150-kilotonne weapon is considered to be a small-yield weapon. Weapons in the megatonne range exist. If there were only a few such weapons, one might argue that control

over them would be so tight that a Dr. Strangelove situation would be impossible. However, honourable senators, there are 27,000 of them, of which over 3,000 are sitting ready, at 30 minutes' notice, for the button to be pressed.

Those weapons are being modernized. With the expansion of proliferation, modernizing those weapons will require nuclear testing. Although a treaty exists to ban nuclear weapon testing, do honourable senators believe that that will stop countries like North Korea? It did not. Do you think it will stop other countries? It will not.

Honourable senators, it is nearly foolhardy to ponder the debates of certain issues that find themselves on the Order Paper here and certainly in the other place while avoiding any in-depth debate on the fundamental premise of the survival of humanity on the planet. It does not make any sense. That is why I will be writing to the Defence Committee, the Foreign Affairs Committee, the Human Rights Committee and the Energy Committee. I will ask: Why do you not look at the fact that everything else you are doing is not insignificant but pales before the threat that humanity is facing now and for no real reason except power?

• (1500)

The Big Five have power, they want to keep it and they do not want to move into a whole different era. That is what we are asking them to do, to shift gears and consider power in a different way. Consider power not in regard to capability, but rather the moral power to do the right thing.

That is the basis of the UN. The permanent five of the UN are the guarantors of the moral power of the UN and of the availability of nuclear weapons in the world. If that is not hypocritical, I do not know how to qualify it.

[Translation]

I will conclude by saying — and I mean it in the most pejorative sense possible — that the life we are living right now is almost an innocent one. The modernization of nuclear weapons and increase in proliferation are beginning in highly unstable countries. Not only do major powers refuse to disarm, but they are actually rearming through modernization programs. We are on the road to ruin for humanity. The Kyoto Protocol is a joke compared to the reality of nuclear weapons.

Senator Prud'homme: Would the honourable senator entertain two short questions?

Senator Dallaire: Gladly, if I have time left.

Senator Prud'homme: As we all know — and you reminded us — the nuclear arms race between the United States and Russia started right after World War II. Russia reacted to the United States having nuclear weapons. It became a mad race, as you pointed out. I agree with your statement.

There are nuclear powers, but there are also lesser nuclear powers, which you have listed. We have been betrayed. That is how Mr. Trudeau always referred to what happened with

India. You have told us, and Mr. Trudeau said the same thing: he felt personally betrayed by that country for taking advantage of Canadian technology.

What is most bothersome to me is that each time I raise the issue of the arms race in the Middle East, people get all worked up and completely hysterical. If there is one part of the world that should be of concern to the public, before it all blows up in our face, that is the one. While fingers are being pointed at Iran, which is not yet a nuclear power, the nuclear arms race was started by what we all know now.

I chaired the Foreign Affairs and National Defence Committee for more than ten years under Mr. Trudeau. What I am about to tell you brought trouble upon me at the time and is likely to continue to do so. In the nuclear arms race going on in that part of the world, how could one not expect that, in its madness — and these are friends — Libya would want to join the nuclear arms race? Knowing its neighbours, how could Iran not want to join a nuclear arms race?

I find it bizarre that there seems to be silence when we say that we should make more efforts to ask the state of Israel to comply with the Nuclear Non-Proliferation Treaty, which has incited its neighbours to participate in the arms race.

When you talk about the five major powers, there is Russia — as the former Soviet Union is now called — and there is the United States, but just before France, China and Great Britain, there is the state of Israel, which is said to have more nuclear weapons, but we do not dare talk about it. This always gets us into trouble. That was the case for me at the Inter-Parliamentary Union, with the Canadian delegation — not with parliamentarians from all over the world, but from my own Canadian delegation — whenever we raised this issue.

Do you not think it would be a good thing to ask the government to make efforts with a country that is a friend — not an ally — so that this country too would comply with the Nuclear Non-Proliferation Treaty in that hot spot of the world?

The Hon. the Speaker: I regret to inform the honourable senator that his speaking time is up.

Senator Dallaire: Honourable senators, given the scope of the question, I would need a few more minutes.

Senator Comeau: You can have five minutes.

[English]

Senator Dallaire: With respect to nuclear weapons, we have seen the creation of tactical nuclear weapons. Tactical nuclear weapons were identified because the threat specified a significant amount of armour capability, which was very difficult to stop. By creating tactical nuclear weapons, by funnelling and using conventional systems and large portions of armour, we could send in a tactical nuclear weapon that would neutralize a force. That capability is still out there. The concern of using tactical nuclear weapons for those targets was not insignificant. Therefore, a massive effort was undertaken for more precise and conventional weapons so that you would achieve the same effect. That is to say, if you could wipe out up to 30 to 40 per cent of an armoured capability, you would essentially neutralize it. Therefore, conventional weapons could not do that unless there was a new generation of weapons. Billions of dollars were spent

on more precise weapons systems that actually produced that 30 to 40 per cent so we would not need tactical nuclear weapons. We could use conventional but very sophisticated, new-generation, precise weapons systems. They are in the inventory.

When we joined the Ottawa Convention on Land Mines, we went to a number of countries that did not want to sign. We told them that they do not need land mines to achieve their tactical or strategic objectives or defences. There are alternative systems that can be used instead of the mines to do that. If they acquired the alternative systems, then they could tell their government — we were talking to generals — to acquire that and then they could sign the Ottawa treaty because they would not need land mines anymore. There are alternatives.

My response to the honourable senator is that there are alternatives to nuclear weapons, so why do we not push them down that road? Then every Tom, Dick or Harry who thinks that by acquiring nuclear weapons all of a sudden they become a significant country in the world will understand that, on the contrary, they move down the most perverse route that humanity can ever imagine by the continuance of a capability that is totally and completely unnecessary in our era.

Some Hon. Senators: Hear, hear!

Senator Prud'homme: I totally agree with the honourable senator. My question is very simple. Would the honourable senator agree that the Canadian government should impress on the Government of Israel to sign the Nuclear Non-Proliferation Treaty since this is one of the reasons why there is a proliferation of the arms race in the region? Every neighbour to Israel wants nuclear arms. They say: My neighbour has one, so I want one. My question is very simple and precise. This is, of course, the subject of much debate among colleagues, resulting in many big divisions.

• (1510)

Senator Dallaire: If they are sending delegations to the meetings that ultimately have an aim of not only stopping the proliferation but disarming, with the concept, mandate or orders to watch and see, how does the honourable senator think we will convince them to take such a significant decision in such a sensitive area of the world? Be it Israel, Iran or any other country, what is missing in this exercise is that this leading middle power in the world realizes it has power and influence, moral and technical. In realizing this, why does this nation shove its weight around the world? It does it because people are waiting for it to do it, and they are waiting for it to do it in a sense that is consistent with what this nation has been pushing for, for decades previously.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Senator Dallaire]

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Lorna Milne, Deputy Chair of the Standing Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), has, in obedience to the Order of Reference of Tuesday, February 27, 2007, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LORNA MILNE
Deputy Chair

OBSERVATIONS TO THE ELEVENTH REPORT OF THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS (BILL C-9)

Your Committee notes with concern that this bill, along with other proposed amendments to the *Criminal Code*, are likely to have an impact on Canada's legal aid system as a result of a reduced number of guilty pleas, and a greater number of appeals. Though we note that the government has recently moved to stabilize federal funding of legal aid services, we believe the current funding may be inadequate given the changes the government is proposing in Bill C-9 and elsewhere. We therefore urge the government to work with provincial governments and stakeholders to ensure that the federal government's contribution to legal aid in Canada is increased to meet the needs of Canadians.

Furthermore, your Committee notes that the issues of conditional sentencing touched on in Bill C-9 address only part of Canada's sentencing regime. We therefore propose to study the issue of sentencing more broadly at a future time. Your Committee also expresses its concern about the lack of detailed data on conditional sentences and hopes that the Canadian Centre for Justice Statistics, Statistics Canada, will expand its research to enable us to better understand and evaluate the implications of Bill C-9, and how conditional sentences are implemented in the future.

Finally, in light of the amendment to Bill C-9 made by the House of Commons Standing Committee on Justice and Human Rights referring to criminal organization offences prosecuted by indictment and carrying maximum terms of imprisonment of ten years or more, your Committee notes that the offence of participation in the activities of a criminal organization, set out in section 467.11 of the *Criminal Code*, is not excluded from having a conditional sentence. We

accordingly suggest that a future study on sentencing consider the possibility that all “criminal organization offences,” as defined in section 2 of the *Criminal Code*, be ineligible for a conditional sentence.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): With leave, I suggest we deal with it now.

The Hon. the Speaker: Is leave granted, honourable senators?

An Hon. Senator: No

Senator Comeau: At the next sitting.

The Hon. the Speaker: Honourable senators, I would like clarification on this matter. The report from the Standing Senate Committee on Legal and Constitutional Affairs was on a bill, and it was reported without amendment. The question was, “When shall the bill be read a third time?” Senator Comeau wanted to do it now if leave was granted. Leave was not granted and that bill is on the Order Paper for Tuesday, agreed?

On motion of Senator Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.—(*Honourable Senator Day*)

Hon. Joseph A. Day: Honourable senators, allow me to first thank Senator Banks for presenting this inquiry calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate. I also want to congratulate Senator Banks and Senator Moore for their speeches on this inquiry.

[English]

Honourable senators, I am concerned to see our Prime Minister's failure, in fact refusal, to appoint qualified people to this chamber. I am concerned as a senator because the position of this new Government of Canada could well undermine the high quality of the work we do in this place.

I am also concerned as a citizen. It is beginning to appear that the Prime Minister is determined to impose his views on this country, irrespective of what anyone else thinks or wants. He has

decided, without trying, that he cannot obtain the constitutional changes he wants by following the amending formula set out in the Constitution, so he has chosen to ignore the Constitution.

Prime Minister Harper uses the term “incrementalism” to describe his approach to constitutional change. Increasingly, I conclude that this term is a euphemism for constitutional circumvention. That may be leadership of a sort. It certainly is one way to get things done, but it is not, honourable senators, the Canadian way.

Under our Constitution, the Governor General is directed, in mandatory language, to summon a fit and qualified person to fill a vacancy in the Senate when a vacancy happens.

Section 32 of the Constitution is clear, honourable senators.

When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person, fill the Vacancy.

The Governor General shall fill the vacancy, honourable senators. Senator Moore made the point that in statutory construction the word “shall” is mandatory language. It is not the discretionary “may.” The Constitution is clear. Senator Banks was equally clear in his discussion on the meaning of the word “when,” for when a vacancy occurs. It does not mean one day far off in the future when the Prime Minister feels like acting. It implies a time certain, a sense of immediacy. When a vacancy occurs, the Governor General shall act. That is our Constitution. It does not say “after a vacancy occurs the Governor General may act.” It could have been said in that language, but it is not said in that language.

Honourable senators, if the words of our Constitution are not to be afforded respect and complied with, then of what value is our work in this institution in meticulously reviewing and amending the legislation and choosing the right words? What difference does a word in the statute make if we are not meticulous about upholding and implementing the words carefully chosen in our laws and in our Constitution?

By convention, of course, honourable senators, the Governor General appoints people on the recommendation of the Prime Minister. The courts in this country have been respectful of the political nature of senatorial appointments.

They said “there are no procedural or other limitations restricting the exercise of the Governor General's discretionary constitutional power of appointment,” and observed that the courts cannot fetter the exercise of the Governor General's discretion.

A citation for that, honourable senators, is *Samson v. Canada (Attorney General)* 1998.

• (1520)

Honourable senators, the cases have all arisen in circumstances where the Governor General, acting on the recommendation of the Prime Minister, has exercised this constitutional power, summoned someone to the Senate, and the court action was brought by those who disagreed with the Governor General's exercise. They did not like what the Governor General did.

One case, for example, was brought by a gentleman from Alberta, Mr. Bert Brown, an individual we will likely have the opportunity to meet, honourable senators. In that case, Mr. Brown was protesting that his "election" to this chamber under the Alberta Senatorial Selection Act had been ignored and that someone else had been summoned other than himself. When he took his case to court, the court upheld that the Governor General had the right and indeed the responsibility under section 32 to fill vacancies in the Senate without court interference.

We find ourselves today in a very different situation, one that I believe raises very different legal issues, honourable senators. We have a Prime Minister who has declared his intention not to make further recommendations in relation to senators unless and until his desired changes to this chamber have been effected. In particular, he has referred to the change of tenure proposed in Bill S-4 and also to his proposal for elections, or consultative elections, as proposed in his government's Bill C-43. In other words, this is not a case of agreeing or not with how the Prime Minister directs and advises the Governor General to exercise a constitutional power; rather, it is a case of a Prime Minister who is openly refusing to advise the Governor General on how to exercise a mandatory constitutional power. The Prime Minister is refusing to advise her on how to exercise her legal responsibilities.

To my knowledge, this is a first in Canadian history. I looked up the records, honourable senators. Every single Prime Minister since Sir John A. Macdonald has recognized the constitutional role of this chamber and has advised the Governor General of the time to summon senators to fill that role. The only prime ministers who did not appoint any senators were Kim Campbell, who was only Prime Minister for four and a half months, and Arthur Meighen, Prime Minister for less than three months. Our current situation appears to be unprecedented.

I recognize that this Prime Minister is not the first to leave vacancies in this chamber for lengthy periods of time; however, I believe he is the first to publicly declare his intention not to make recommendations until he gets his way and achieves certain reforms to this chamber. Conservative Prime Ministers in the past have believed cavalierly in rolling the dice, honourable senators, with the Constitution. Has this new Conservative Prime Minister learned the wrong lessons from his mentor? Do we now have one who is trying to load the dice and then roll them?

Honourable senators, a number of us have spent time recently rereading the 1980 Supreme Court of Canada decision in the *Upper House Reference*. That case was a reference from the government of the day asking for guidance as to what Parliament could do on its own to reform the Senate, that is, without engaging the provinces under the Constitution.

The first question posed to the court was whether the Parliament of Canada had the authority unilaterally to abolish the Senate. The court was very clear on this question, honourable senators. Parliament does not have that power. The Parliament of Canada cannot act unilaterally to abolish this chamber, which was the product of extensive negotiations during the debates leading to Confederation and whose existence was a critical condition for the entry of several provinces, including my own province of New Brunswick, into Confederation.

Honourable senators, the question now is whether the Prime Minister is trying to do indirectly what he cannot do directly, that is, whether his actions, in refusing to make recommendations to the Governor General as to how to fill vacancies in this chamber, are tantamount to an attempt to unilaterally cause a crisis in this chamber.

There are now 12 vacancies in the Senate and no indication from Mr. Harper that he has any intention of acting on them at any time soon. Quite frankly, it is the contrary.

Maclean's magazine published an article last June entitled "Harper's First Steps Towards Senate Reform." The author of the article is John Geddes. At the time of writing the article, Mr. Geddes wrote that there were seven vacancies and that another 49 senators would reach mandatory retirement age over the next nine years.

Honourable senators, speaking hypothetically, if Prime Minister Harper were to be re-elected and were to continue as he has begun, of the 105 seats in this chamber more than half would be vacant. I wonder whether there is a constructive undermining of this chamber. That would be very troubling to a court, honourable senators.

A decline in numbers impedes our ability in this chamber to do our constitutional job as effectively as our Constitution and the people of Canada quite rightly expect of this chamber. The quality of our studies, whether of draft legislation or policy questions, must surely suffer at a certain point.

We know from public statements that certain advocates of Senate reform believe that a benefit to so-called incremental Senate reform may be that the status quo would be so destabilized that a consensus would emerge that the Senate must be reformed in order to function. Is this the agenda of the Prime Minister? Does a Prime Minister have the constitutional right to undermine an institution such as the Senate of Canada because he does not agree with how it is constituted? I thought the first role of a Prime Minister was to uphold the Constitution, honourable senators, not to destabilize and to circumvent the Constitution.

The constitutional questions loom even larger when I consider Prime Minister Harper's recent actions. As Senator Moore pointed out when he spoke on this inquiry a few days ago, this Prime Minister is unilaterally amending the geographic representation of provinces and territories in this chamber, something that, under the Constitution, is expressly listed under section 42 as requiring the agreement of at least seven provinces representing 50 per cent of the population.

We know from his public statements that the Prime Minister does not agree with the constitutionally established breakdown of geographic representation in this chamber. He has told us that. He believes the Maritime provinces are overrepresented proportionately and the Western provinces underrepresented. We also know he believes that he would not be successful in obtaining agreement among the provinces and territories on a revised geographic representation in this Senate, or at least not the one he wants.

However, honourable senators, I am deeply concerned to see a Prime Minister seemingly attempting to achieve his desired geographic breakdown by selective senatorial appointments. Let

me explain. The Maritime division has vacancies in 20 per cent of their Senate seats at the present time. Indeed, Prince Edward Island has 25 per cent of its seats vacant. Nova Scotia, missing three of 10 seats, has 30 per cent of its statutorily provided representation missing. The Prime Minister has indicated that he has no intention of filling these seats. However, as soon as he learned there would be a vacancy in his home province of Alberta, the Prime Minister announced his intention to appoint a senator to fill that vacancy and keep that province's Senate representation at full capacity. Indeed, he did not even wait until the seat was vacant. He announced his intention to appoint Mr. Brown to a seat before Senator Hays had even left.

An Hon. Senator: The body is still warm.

Senator Day: I do not know Mr. Harper's views on the appropriate representation for the northern territories, but de facto he has told them — and us — that he does not consider it an important value, at least not as important as he considers representation from the island of Montreal. The Yukon Territory is currently without any representation in this chamber, honourable senators.

• (1530)

As a lawyer, I ask myself whether a court would be concerned that a Prime Minister could selectively exercise his prerogative to recommend names to the Governor General when the effect —

The Hon. the Speaker: I regret to advise the honourable senator that his time has expired.

Senator Mercer: More, more, more!

Senator Tardif: Yes, five minutes.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No more than five minutes.

Senator Day: I appreciate that.

The Hon. the Speaker: My understanding is that honourable senators are granting unanimous consent for another five minutes.

Senator Cools: No, I want to ask a question. Make it 10 minutes.

Senator Fraser: Five minutes!

Senator Day: A separate question concerns this Prime Minister's insistence on appointing only senators who have been chosen through some form of public election.

Senator Cools: A dubious one.

Senator Day: It is public knowledge that not all provinces agree with the Prime Minister on this important issue. As well, there are serious constitutional issues with Bill C-43, which, I assume, explains why the government left it to languish for four months at first reading in the other place.

Honourable senators may know that, while Bill C-43 was tabled on December 13, 2006, it was only brought forward for debate for the first time on April 20, 2007.

Senator Tkachuk: We thought you might need the time to read it.

Senator Day: Among other problems, and there are many, the Constitution is explicit that any amendment in relation to the method of selecting senators can only be made together with the provinces, under the 7-50 rule.

In summary, we know Prime Minister Harper would like to see elections for senators; we know he is unlikely to achieve agreement from the provinces and territories on that any time soon; and we know this is likely not an amendment that can be effected unilaterally under section 44.

Senator LeBreton: Read the bill.

Senator Day: What, then, is the Prime Minister to do? Is he engaging the provinces and territories in constitutional discussions on possible elections of senators? No, he is not. He is simply refusing to appoint senators, except from provinces that have put in place some form of election process. No election process means no Senate appointments, which means no Senate representation.

Senator Mercer: No representation in Prince Edward Island.

Senator Day: That certainly appears to be the de facto result of Mr. Harper's position on Senate appointments. Indeed, the Deputy Leader of the Government in the Senate admitted to *The Hill Times* that the Prime Minister is trying to manipulate this chamber through selective use of the appointment power. Let me read from an article entitled "PM Harper to have largest number of Senate vacancies since 1983 by 2009":

Nova Scotia Conservative Sen. Gerald Comeau said that, as more and more seats are vacated, the pressure on the Liberal-dominated Senate will build. This, he said, is Mr. Harper's reason for holding off on appointments.

Senator Comeau: Hear, hear!

Senator Day: The passage continues:

"This is one of the ways of encouraging the other side to move along on these bills," he said. "It's an incentive for the other side to get moving on it. Then the Prime Minister might consider starting to look at appointments."

In other words, honourable senators, the Prime Minister, according to his deputy leader in this chamber, is holding this chamber — a house of the Parliament of Canada, which was established precisely to act as a check on the executive — hostage, to force us to pass reforms that he wants.

I might add that the overwhelming weight of constitutional law experts who appeared before the Standing Senate Committee on Legal and Constitutional Affairs before this chamber have testified that there are serious constitutional problems with the Prime Minister's position with respect to Bill S-4.

Senator Tkachuk: Just vote on it!

Senator Day: My home province of New Brunswick recently stated its position on Bill S-4 through a letter and an accompanying position paper from Premier Graham to the

Honourable Chair of the Standing Senate Committee on Legal and Constitutional Affairs. Within that letter, Premier Graham stated — and I quote:

The Government of New Brunswick does not accept the conclusions of the Committee that the Government of Canada has a constitutional authority to unilaterally proceed with this proposed change to the tenure of Senators. Our review of jurisprudence on this issue, contained in the attached position paper, supports the view that the provinces must give consent to any change that affects representation in the Senate.

This Prime Minister has brought forward two bills on Senate reform, both of which are probably unconstitutional.

Senator Tkachuk: Vote on it, then.

Senator Day: To pressure their passage, the Prime Minister is ignoring the constitutional obligation that individuals be summoned to this chamber when vacancies occur. He appears to be trying to starve this chamber of its ability to perform its constitutional responsibility to act as a check on his power.

Honourable senators, I am not surprised that this government sat out the recent celebrations of our Charter of Rights and Freedoms. It appears that this government believes it is or should be above the Constitution. They do not get it, honourable senators. The whole point is that government operates within the Constitution and are subject to the Constitution.

I realize my time is growing short. In fact, I am just about done. I have two pages.

Senator Cools: Let the honourable senator finish.

Senator Comeau: No.

Senator Day: Two pages, please.

Senator Mercer: Such a great speech. Let him continue.

The Hon. the Speaker: Honourable senators, the extended time of five minutes has expired.

Senator Prud'homme: Tough luck.

The Hon. the Speaker: Is the honourable senator requesting further time?

Senator Day: I request two more minutes.

The Hon. the Speaker: Is there unanimous consent for two more minutes?

Senator Tardif: Agreed.

Senator Comeau: No.

The Hon. the Speaker: The senator's time is over.

Senator LeBreton: No, no, because you are breaking the precedent.

Senator Comeau: We are not breaking the precedents now.

Senator Cools: They are not breaking precedent. You do not know what the precedent is. Finish. Good stuff.

Hon. Eymard G. Corbin: I will finish it.

Senator Cools: We then have 15 minutes to ask questions. Good stuff!

Senator Corbin: Honourable senators, it appears the new Government of Canada believes it is or should be above the Constitution.

Senator LeBreton: You want this place televised? My goodness!

Senator Corbin: They do not get it, honourable senators. The whole point is that government operates within and subject to the Constitution, not the other way around.

Some Hon. Senators: Hear, hear!

Senator Corbin: As the previous speaker was saying, my time is growing short, but I am sure the other side will not object if I quote to this chamber the words of their leader. Prime Minister Harper said the following on September 7, when he appeared before the Special Committee on Senate Reform:

The government prefers not to appoint senators unless it has the necessary reasons to do so. I mentioned one of these reasons in the case of Senator Fortier. Frankly, we are concerned about the representation in the Senate and about the number and the age of our Senate caucus. It is necessary for the government, even in the present system, to have a certain number of senators to do the work of the government in the Senate.

I thought we were here to do the work of the nation, honourable senators.

Senator Comeau: That is right.

Senator Corbin: The quotation continues:

We have not reached a point where it is necessary to appoint certain senators to meet this objective. At this time, I prefer to have an election process where we can consult the population rather than to appoint senators traditionally.

Senator LeBreton: Excellent idea.

Senator Comeau: Hear, hear!

Senator Corbin: That was from the proceedings before the Special Senate Committee on Senate Reform, September 7, 2006.

Senator Comeau: Read that again. We will give you the extra five minutes.

Senator Corbin: Honourable senators, this is quite extraordinary. This Prime Minister takes the position publicly and on the record that the only reason to have senators in the Senate is "to do the work of the government in the Senate."

Senator Cools: He does not even know the difference.

Senator Corbin: Honourable senators, we are not here to do the work of the government in the Senate. We are here to act as a check of the government.

Some Hon. Senators: Hear, hear!

• (1540)

Senator Corbin: We are here to represent our provinces and our regions. We are here to protect minorities. Frankly, I do not believe I have ever read, in any materials setting out the fundamental responsibilities of the Senate, that this chamber is to do the work of the government.

Honourable senators, what is to be done? Under the Constitution, it is the responsibility of the Governor General to summon a qualified person to fill a vacancy in the Senate when one occurs. This is, as Senator Day said earlier, a mandatory duty. I have said it many times previously, in various fora. By convention, the Governor General appoints individuals on the recommendation of the Prime Minister, but, honourable senators, we know from case law that convention cannot override law. I believe the courts would, first and foremost, interpret this. There is a mandatory duty imposed on the Governor General to act, and the Prime Minister is using convention to prevent her from acting — one might say the Prime Minister, by inaction, is placing the Governor General in the position of breaching the Constitution that she is bound to uphold. Should the Governor General continue to break the law or should she follow through with her constitutional responsibility?

I believe there is a point at which a constitutional duty must be performed. Should we look to the Governor General to initiate the appointment process, thus exercising the mandatory constitutional duty imposed on her under the Constitution?

Again, this is not a situation like those that have arisen before, where the issue was concern over how the responsibility is being exercised. The issue now is compelling the Governor General to exercise her responsibility, as required in mandatory language in our Constitution. These are very interesting legal issues, and are ones on which both Senator Day and I believe we need guidance from the courts.

Canadians have the right to have representation in a properly and efficiently functioning Senate. Unless there is a constitutional amendment to reform or abolish the Senate, it must be able to continue to do the work that is required and expected of it, most notably to act as a check on the actions of the executive. That means that our provinces and territories are represented as provided in our Constitution. That means that our numbers must be sufficient to enable us to equip ourselves for our responsibilities. In a free and open society, remaking government by stealth is not acceptable. In a free and open society, the Constitution must be followed.

Some Hon. Senators: Hear, hear!

Hon. A. Raynell Andreychuk: Honourable senators, I must say that when I stood up, it was not to give a standing ovation; it was to ask whether Senator Corbin would accept a question.

Senator Corbin: I am out of breath. I will not accept questions at this time.

On motion of Senator Fraser, debate adjourned.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of a very distinguished member of the Privy Council, the Honourable Eugene Whelan, a former member of this chamber.

[Translation]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY GENDER EQUITY IN PARLIAMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Tardif:

That the Standing Senate Committee on Human Rights, in the spirit of reflection and commemoration of International Women's Day and the 25th anniversary of the patriation of the Constitution and its *Canadian Charter of Rights and Freedoms*, be authorized:

- (a) to examine and report on all issues related to female representation in Parliament, including the barriers to the participation of women in federal politics;
- (b) to propose positive measures for electoral and other reforms that will
 - i) promote gender equity in Parliament, and
 - ii) achieve an increase in the number of women in Parliament;
- (c) to consider the status of female representation in other legislative assemblies for comparative purposes in formulating proposed measures; and

That the Committee present its report no later than June 29, 2007.—(*Honourable Senator Tardif*)

Hon. Lucie Pépin: Honourable senators, I rise following my colleague, Senator Poulin, to ask that the Committee on Human Rights be authorized to examine gender equity in Parliament. I thank our colleague for raising this important issue and setting in motion a process to overturn the status quo. I completely agree with her that it is time to do away with the barriers that still face Canadian women who want to go into politics. This democratic deficit must be corrected.

Eighty-six years after Agnes McPhail was elected to the House of Commons, women's presence in Parliament has not changed significantly. Canadian women are a long way from carrying a significant weight on the political scene. According to the United

Nations, the critical mass should be at least 30 per cent, but women's representation in the House of Commons remains around 20 per cent.

After six successive federal elections, women still have not managed to break through this glass ceiling. Clearly, the current inaction will not solve this problem.

Yet the main causes of this imbalance are known. It is well documented that the nomination process and the expenses it involves are major barriers to women's entry into politics. As early as 1970, the report of the Royal Commission on the Status of Women, headed by our former colleague, the Honourable Florence Bird, stated that it is much more difficult for a woman to win her party's nomination than to win an election.

The 1992 Royal Commission on Electoral Reform, on which I was one of the five commissioners, made the same finding as 22 years ago. The nomination process is a major obstacle, and most of us know something about that.

In the final report, *Reforming Electoral Democracy*, a number of recommendations were made in order to correct this imbalance and make it easier for women to enter politics. Nonetheless, we have to acknowledge that the reality is quite different. Allow me to give you an overview.

Many candidates wake up the morning after their nomination only to realize that they will have to take out a bank loan to cover expenses. To resolve this problem and facilitate women's access to nominations, the Commission recommended that ceilings on expenses and tax credits be adopted upon nomination.

Better still, we recommended that a limit be imposed on the expenses of people standing as candidates during the nomination period, and that contributions to nomination campaigns be tax deductible.

The royal commission also recommended that political parties be compensated financially if they elected more women. That is, a party's election expenses could be reimbursed up to a ceiling of 150 per cent if they succeeded in getting more women elected. This measure would have to be cancelled when the number of women elected to the House of Commons reached 40 per cent. Naturally, it was understood that to get more women elected, parties would have to present more female candidates in ridings that are safe or all but guaranteed. This was not entirely the case, and is even less so today.

We felt that these measures would make the race more equitable for those without access to a large network of donors. For it has been proven, and it continues to be the case, that for a successful nomination campaign you need financial resources and a good network of donors. Women seeking nomination do not always come from the law or business communities. Consequently, they do not always have the necessary financial resources or networks to support the costs of a nomination campaign.

I know several candidates who are currently making monthly payments to pay off their debt from their nomination in the 2004 election.

The commission recommended that people be allowed to take leave from work to obtain a nomination or stand for election. We also suggested that leave be accorded to employees who submit their candidacy or fight an election.

We also came up with the idea that child care deductions should be granted during nomination and electoral campaigns. In 2000, Bill C-2 allowed candidates to claim as electoral expenses childcare expenses and expenses relating to the provision of care for a person for whom the candidate normally provides such care. This is the only recommendation that has been taken into account.

• (1550)

It is essential to ensure greater equality of opportunity by legislating at the nominations stage. Clearly, if measures are not taken to remove the financial obstacles at that stage, a large number of people will be unable to seek nomination.

Any examination of gender equality in politics must focus on the first step in the process. If authorized to do so, the Standing Senate Committee on Human Rights could act on the recommendations made by the royal commission and find appropriate ways to implement them.

I also wanted to highlight the royal commission's recommendations to remind everyone that a number of relevant proposals are just gathering dust. One of the committee's goals could be to dust off those proposals and update them.

The study proposed by Senator Poulin would be a good thing for our democracy. Canadians deserve better, and we will not be able to deliver that if we just sit on the sidelines.

Canada ranks 48th on the list of women in national parliaments, behind countries like Iraq, Afghanistan and Rwanda.

Some third-world countries have rebuilt their electoral systems from the ground up to ensure equality of the sexes.

The Nordic nations are often cited as examples, and with good reason. For example, 47 per cent of Swedish parliamentarians are women, as are 42 per cent in Finland, 38 per cent in Norway and 37 per cent in Denmark. Those are all examples worth following.

These countries have made progress thanks to a combination of equality legislation and family-centred social policies adapted to women's needs.

In Sweden, municipalities must provide child care for all children under the age of six. Women who do not have to look after their children can put more energy into serving society. Finland has adopted a 60/40 principle for public administration. Staff in all government departments must include at least 40 per cent women or men. This initiative has had a definite impact on female representation in politics.

In the Scandinavian democracies, as well as in the Netherlands, Spain, New Zealand and Germany, the parties have adopted voluntary quotas that guarantee a strong female presence among candidates. At present, a variety of policies for voluntary quotas

can be found throughout the world. Some countries, including Belgium and Argentina, have even adopted a legal quota system, meaning that quotas have been legislated.

Here at home, the Quebec premier recently presented a cabinet with equal representation. This serves as a model to be commended and emulated.

We are not lacking in models. If we want to see more women in Parliament, there are a number of things that require serious consideration. We must look at practices that have been successful in other countries and in some of our provinces, take inspiration from them and adapt them to our reality.

Women's equal participation in decision-making is not only a demand for simple justice or democracy, but can also be seen as a necessary condition for women's interests to be taken into account. No one can speak on behalf of Canadian women better than they can speak for themselves.

Additionally, women practice politics differently than men. We do not use the same approach or the same arguments when dealing with public policy. This distinction is not innate, but has more to do with the fact that women have different life experiences and different areas of expertise that inspire different perspectives.

Senator Corbin: That is quite right.

Senator Pépin: Certain studies suggest that women approach problems in a more inclusive and multi-dimensional fashion, because in our daily lives we are often forced to wear many hats at once and must strike a balance between demands that are often conflicting. More so than men, women must find a way to balance their family and domestic responsibilities with their career.

It is a well-known fact that women have an impact on how things are said and done in politics.

The presence of a small number of women in Canadian politics has already changed the political environment and public policy to a certain degree. Clearly, a critical mass of women would lead to significant, long-term changes. Many Canadian women thought that the right to vote would naturally translate into fair representation within the legislative bodies. Years later, we see that this is not the case. Getting elected is a long and difficult journey.

Canadian voters are receptive to female candidates, who nonetheless remain the exception. Is that because our parties are primarily run by males? Obviously the example does not come from the top, since there are not many women leading political parties in Canada.

A number of avenues have already been explored. Some solutions have been proposed to attract more female Canadians to public life. However, it is possible to question the explanations given to date, and to push even more to understand the lack of female Canadians in the different legislatures. The traditional responses perhaps do not explain everything.

For all these reasons, I support Senator Poulin's motion. More than once, the Senate has shown its ability to address complex issues and come up with recommendations that have advanced Canadian society. I have no doubt that this will always be the

case, and that our institution will enable Canadians to build a truly representative democracy in our country.

Hon. Marcel Prud'homme: Honourable senators, I have a question for Senator Pépin.

First of all, I would like to congratulate her for always being at the forefront in searching and advocating for female candidates. In 1984, she was already broaching these topics in the House of Commons, well before I was. The issue remains the same. One way to achieve equal representation would perhaps be for the Prime Minister of Canada to appoint only women, until the numbers even out.

[English]

Remember the famous quote: You had an option, sir.

[Translation]

He should immediately launch a national call for candidates and make appointments until there are 53 women in the Senate. These women would come from all parts of society until balance was achieved. There would be a critical mass of active women in the Senate, thus reflecting the female population in each riding throughout the country.

I must, of course, salute Mr. Chrétien. Of his 74 appointments, 33 were women, the largest number in history. He is followed by Mr. Mulroney, who appointed 13, and then Mr. Trudeau, who appointed 12. Would that not be a first step in an attempt to persuade the government to appoint only women until equality is reached? It could be achieved before my own departure in 2009 if we put in the time and effort, and on condition of having unanimous consent.

Senator Pépin: I would agree to the Prime Minister taking such action and appointing women to the Senate. A certain percentage of women should also run for office. In the Liberal Party, one third of candidates in the next election must be women. Until women hold 40 per cent of the seats in the House of Commons, it would be fair that they have at least 50 per cent or 53 per cent of the seats in the Senate. I agree completely in this regard.

[English]

Hon. Terry M. Mercer: Honourable senators, I have a question for my colleague. I presume from the question of Senator Prud'homme, that he will be supporting my inquiry number 27 with respect to gender equity in this chamber when it comes up for debate.

Gender equity could be achieved in this chamber by early 2009 by appointing women to fill the vacancies that will occur between now and 2009. This would give this country an opportunity to do something that no major western country has been able to do: To have gender equity in one of their major legislative bodies, provincial or federal.

This is a unique opportunity that Prime Minister Harper has.

The Hon. the Speaker: Senator Pépin's time has expired. Is she requesting time to answer that question?

• (1600)

[Translation]

Senator Pépin: Honourable senators, I think it is an excellent idea to make such a recommendation to the Prime Minister. I am even sure that several colleagues on the government side could suggest the names of women who could be appointed to the Senate.

In Quebec, the premier has formed a cabinet that has an equal number of men and women. I think this is unprecedented in Canada, and it is definitely an example that should be followed. I hope that Mr. Harper will take this initiative.

Hon. Roméo Antonius Dallaire: Honourable senators, if it took 140 years to appoint 36 women out of 94 senators, imagine what it would be like if, tomorrow, it was decided to elect senators. Based on the results of the past 140 years, do you not think that having an elected Senate could delay, in a significant way, women being fully represented in the Senate?

Senator Pépin: Honourable senators, if the bill were reviewed in committee, and if the government supported the committee's recommendations, it could be suggested that at least 40 per cent of the candidates from all political parties be women. We would then get 40 per cent, and this would already be a huge improvement. Later on, we could get the missing 10 per cent.

[English]

Hon. Francis William Mahovlich: In the election that Alberta had with Bert Brown, were there many women who were against Bert Brown?

[Translation]

Senator Pépin: I think there was a woman who was running.

On motion of Senator Tardif, debate adjourned.

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY STATE OF FRANCOPHONE CULTURE IN CANADA

Hon. Maria Chaput, pursuant to notice of May 2, 2007, moved:

That the Standing Senate Committee on Official Languages be authorized to study and report on the state of Francophone culture in Canada, particularly in Francophone minority communities;

That the Committee submit its final report no later than June 20, 2008, and that the Committee retain all powers necessary to publicize its findings until October 31, 2008.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 8, 2007, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 8, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, May 3, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|--|------------------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | 07/03/29 | 7/07 |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | 07/03/29 | 5/07 |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) (bill 07/02/20 Legal and Constitutional Affairs) | (report on subject-matter 06/ 10/26) | | | | |
| S-5 | An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 06/10/03 | 06/10/31 | Banking, Trade and Commerce | 06/11/09 | 0 | 06/11/23 | 06/12/12 | 8/06 |
| S-6 | An Act to amend the First Nations Land Management Act | 07/04/25 | | | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|--|--|-----------|-------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations 3 rd amend. (including 1 amend. to report) 06/11/09 Total 158 | 06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 | 06/12/12 | 9/06 |
| C-3 | An Act respecting international bridges and tunnels and making a consequential amendment to another Act | 06/06/22 | 06/10/24 | Transport and Communications | 06/12/12 | 3 observations | 06/12/13 | 07/02/01* | 1/07 |
| C-4 | An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | 06/05/09 | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | 06/11/03 | 06/12/12 | 5/06 |
| C-8 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>) | 06/05/04 | 06/05/09 | — | — | — | 06/05/10 | 06/05/11 | 2/06 |
| C-9 | An Act to amend the Criminal Code (conditional sentence of imprisonment) | 06/11/06 | 07/02/27 | Legal and Constitutional Affairs | 07/05/03 | 0 observations | | | |
| C-11 | An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts | 07/03/01 | 07/03/28 | Transport and Communications | | | | | |
| C-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | 07/03/28 | Special Committee on the Anti-terrorism Act | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|---|----------|--------------------|---|-----------|-------|
| C-13 | An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/06/06 | 06/06/13 | National Finance | 06/06/20 | 0 | 06/06/22 | 06/06/22* | 4/06 |
| C-15 | An Act to amend the Agricultural Marketing Programs Act | 06/06/06 | 06/06/13 | Agriculture and Forestry | 06/06/15 | 0 | 06/06/20 | 06/06/22* | 3/06 |
| C-16 | An Act to amend the Canada Elections Act | 06/11/06 | 06/11/23 | Legal and Constitutional Affairs | 07/02/15 | 0 + 1 at 3rd | 07/03/28 Message from Commons disagreeing with Senate amendment 07/04/27 Senate does not insist on its amendment 07/05/01 | 07/05/03* | 10/07 |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-18 | An Act to amend certain Acts in relation to DNA identification | 07/03/29 | | | | | | | |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| C-24 | An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence | 06/12/06 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| C-25 | An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act | 06/11/21 | 06/11/28 | Banking, Trade and Commerce | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | 07/02/28 | Banking, Trade and Commerce | 07/04/19 | 0 observations | 07/04/26 | 07/05/03* | 9/07 |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | 07/03/21 | Legal and Constitutional Affairs | | | | | |
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| C-36 | An Act to amend the Canada Pension Plan and the Old Age Security Act | 07/03/20 | 07/04/17 | Banking, Trade and Commerce | 07/04/19 | 0 | 07/05/01 | 07/05/03* | 11/07 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|-----------------------------|----------|-------|-----------------|-----------|-------|
| C-37 | An Act to amend the law governing financial institutions and to provide for related and consequential matters | 07/02/28 | 07/03/21 | Banking, Trade and Commerce | 07/03/29 | 0 | 07/03/29 | 07/03/29 | 6/07 |
| C-38 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 6/06 |
| C-39 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 7/06 |
| C-46 | An Act to provide for the resumption and continuation of railway operations | 07/04/18 | 07/04/18 | Committee of the Whole | 07/04/18 | 0 | 07/04/18 | 07/04/18* | 8/07 |
| C-48 | An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption | 07/05/01 | | | | | | | |
| C-49 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 3/07 |
| C-50 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 4/07 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|--------|-------|-----------------|------|-------|
| C-252 | An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) | 07/03/22 | 07/04/19 | Social Affairs, Science and Technology | | | | | |
| C-277 | An Act to amend the Criminal Code (luring a child) | 07/03/29 | | | | | | | |
| C-286 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | 07/03/29 | Energy, the Environment and Natural Resources | | | | | |
| C-292 | An Act to implement the Kelowna Accord | 07/03/22 | | | | | | | |
| C-293 | An Act respecting the provision of official development assistance abroad | 07/03/29 | | | | | | | |
| C-294 | An Act to amend the Income Tax Act (sports and recreation programs) | 07/04/17 | 07/05/02 | National Finance | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|--|---|----------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | 07/04/25 | | |
| S-206 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Legal and Constitutional Affairs | | | | | |
| S-207 | An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.) | 06/04/05 | 06/12/14 | Human Rights | | | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 06/04/06 | | | | | | | |
| S-209 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 06/04/25 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 06/12/06 | 1 | 06/12/07 | | |
| S-214 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 06/05/17 | 06/10/03 | Social Affairs, Science and Technology | 06/12/14 | 0 | 06/12/14 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| S-216 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 06/05/30 | 06/12/13 | Aboriginal Peoples | | | | | |
| S-217 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 06/05/30 | 06/10/18 | National Finance | | | | | |
| S-218 | An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk) | 06/06/15 | 06/11/02 | Legal and Constitutional Affairs | | | | | |
| S-219 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.) | 06/06/27 | | | | | | | |
| S-220 | An Act to protect heritage lighthouses (Sen. Carney, P.C.) | 06/10/03 | 06/11/28 | Fisheries and Oceans | 06/12/11 | 16 | 06/12/14 | | |
| S-221 | An Act to establish and maintain a national registry of medical devices (Sen. Harb) | 06/11/01 | | | | | | | |
| S-222 | An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen) | 07/02/01 | | | | | | | |
| S-223 | An Act to amend the Access to Information Act (Sen. Mline) | 07/02/15 | | | | | | | |
| S-224 | An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell) | 07/04/17 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|--------|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|-----------|-------|
| S-1001 | An Act respecting Scouts Canada (Sen. Di Nino) | 06/06/27 | 06/10/26 | Legal and Constitutional Affairs | 06/12/06 | 0 | 06/12/07 | 07/02/21* | |

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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VOLUME 143

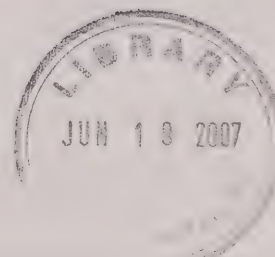
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NUMBER 94

OFFICIAL REPORT
(HANSARD)

Tuesday, May 8, 2007

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, May 8, 2007

[Translation]

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

THE LATE CORPORAL BENOÎT CHEVALIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we begin, I invite you to rise and observe one minute of silence in memory of Corporal Benoît Chevalier who was killed in an airplane accident while working with the Multinational Force and Observers in Sinai.

Honourable senators then stood in silent tribute.

• (1405)

[English]

SENATORS' STATEMENTS

URBAN AGRICULTURE

Hon. Donald H. Oliver: Honourable senators, I rise today to comment on urban agriculture, that is, how all levels of government in Canada can implement sustainable development policies for cities by using urban agriculture to improve unemployment, health, malnutrition and the environment.

In March, I received a fascinating letter from the President of Canada's International Development Research Centre, IDRC, Maureen O'Neil, who attached a recent publication entitled, *Growing Better Cities: Urban Agriculture for Sustainable Development*. This publication illustrates the research implemented by the IDRC in urban agriculture throughout the developing world, from South America to Africa to the Middle East. *Growing Better Cities* reviews two decades of research by the IDRC and its experience with international development.

Urban agriculture is defined by the IDRC as,

... an industry located within or on the fringe of a town, city or metropolis, which grows, processes and distributes a diversity of food to that urban area.

Maureen O'Neil said in her letter:

Population growth in the urban areas of the developing world is exploding. Farming in the city has traditionally been seen as a problem to be eradicated rather than as part of a solution. Urban agriculture can make the city environment more sustainable and help address

unemployment, hunger and malnutrition among the urban poor. Policymakers are beginning to realize how properly managed agriculture can make a major contribution to a city's food security while providing jobs, encouraging a more sustainable environment and making productive use of vacant spaces within a city.

The IDRC noticed slums found in urban centres in developing countries had waste piling up around houses and public spaces, creating health hazards. The IDRC, with CIDA funding, and in partnership with the government of Haiti, discovered in Port-au-Prince throughout the late-1990s, that most urban slums were composed of potential space for agricultural use, like rooftops. Most waste is organic and can be used for composting to enrich soil nutrients for gardening. Even reusing non-organic materials like old TV sets and plastic containers as a bed for gardening or composting provides opportunity for the poor to grow food like carrots and tomatoes, and flowers for floristry, which can be sold within urban centres, creating an income.

With the massive growth in population throughout the developing world, it is anticipated that the urban poor as well as pollution will increase. Urban agriculture as sustainable development is a win-win solution because it provides the basic necessities of healthy food and income to the poor while reducing malnutrition and cleaning up the urban environment.

Honourable senators, this does not mean that the IDRC's findings are limited to the developing world; they can also be applied here in Canada. *Growing Better Cities* benefits all levels of government and interested groups in our country by maximizing the potential use of so-called urban agriculture to transform Canadian cities into environmentally friendly places to live. Having urban centres throughout Canada that are greener and healthier because of urban agriculture is just one of the ways that Canadians can improve their environment.

In conclusion, honourable senators, for some time, the general consensus was that the rural countryside provides food for the urban centres. What if the urban centre could supply some of its own demand? The Standing Senate Committee on Agriculture and Forestry is in its second phase of a national study on rural poverty. It has found that Canada's rural areas, from coast to coast, are decreasing in population while urban centres continue to increase. If this trend continues, will Canada's rural population be able to maintain the food supply Canadian cities demand?

Urban agriculture has the potential to help resolve this problem; whether growing food on rooftops, balconies or backyards, or cultivating flowers for floristry, sustainable development can make cities healthier, cleaner and more resourceful.

MENTAL HEALTH WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise today in recognition of Mental Health Week, a national awareness campaign that provides Canadians with the opportunity to find

out more about the value of good mental health, how to achieve it in their daily lives and reduce the stigma associated with mental health. This year's special week is being held from May 7 to 13. The campaign's theme for 2007 is "Work-Life Balance: It's a Matter of Time."

Nearly 60 per cent of Canadians report that they feel overloaded by the many aspects of their lives: work, family, friends and community involvement. That overload translates into approximately \$12 billion every year in health claims, lost productivity and absenteeism. The World Health Organization predicts that by 2020, mental illness will be the second leading cause of disability worldwide.

• (1410)

No one is immune to mental health issues. They affect people of all genders, ages and cultures, and from all occupational, educational and income levels. It is estimated that one in five Canadians will develop a mental illness at some time in their lives.

This week is important because it gives us all the opportunity to re-evaluate our lives and strive to improve our work-life balance. Small changes can enhance productivity, reduce absenteeism, increase competitiveness and, perhaps most important of all, give us more time to spend with family, friends and loved ones. In fact, Canadians spend 45 minutes less every workday with their families than they did 20 years ago.

In my home province of Prince Edward Island, the Canadian Mental Health Association is sharing this message with Islanders. These dedicated people have organized events across the province. Such events include the 3rd Annual Walk for Mental Health, educational displays, community presentations and information distribution to local businesses. Members of the Canadian Mental Health Association are doing their part to help increase awareness of the importance of balance.

Honourable senators, mental health is as vital to us as physical health. It is an integral part of every Canadian's overall health and wellness. Please join me in recognizing Mental Health Week and in sharing its message with those around us. The result may be a better life for us all.

[Translation]

NEW BRUNSWICK

GENERAL STATE OF THE ARTS AND CULTURE IN ACADIAN SOCIETY

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with great pride that I draw your attention today to the États généraux des arts et de la culture dans la société acadienne du Nouveau-Brunswick, the francophone arts and culture summit, which took place last week in Caraquet, New Brunswick.

These five days of hard work are an important step in a process that has been under way for several months already to consider how the arts and culture and artists can attain their rightful place in Acadian society. Throughout these long months, some 600 artists, decision makers, representatives of various associations, and private citizens considered this question in the context of several broad themes; namely: arts and culture in the community, in schools and in the media; cultural enterprises,

industries and infrastructures; the Acadian artist throughout Acadia; the difficulties encountered by creative artists, new artists and ethnocultural artists; and relations with anglophone and Aboriginal artists.

During last week's États généraux, the individuals responsible for each of these broad themes presented a status report outlining the principal issues in their area and recommended solutions. The 400 participants then analyzed these reports and fine-tuned the proposed solutions before putting them to a general vote.

[English]

In addition to serious and chronic under funding for artists and the infrastructures that support them, the principal issues identified were: the lack of arts and culture courses in curricula; the long-term political vision of the community and society; the inadequate representation of the arts and culture in decision-making circles; the alarming shortage of specialized teachers; and the fact that there are not enough large concerns defending artists' interests.

[Translation]

The final morning, the 400 delegates asked the decision makers what commitments they intended to make. I would like to thank our Premier, the Honourable Shawn Graham, who acknowledged that the arts are an investment, not an expense, and who publicly made a political and financial commitment to pursue the general objectives of the États généraux. I would also like to mention our immensely popular provincial arts council, ArtsNB, which already works very hard on behalf of our artists and has promised to do even more with Shawn Graham's support.

Lastly, I would like to congratulate the Association des municipalités francophones du Nouveau-Brunswick, which made a commitment to ensuring that its members set aside a percentage of their budget the support the arts and culture.

I would like to reiterate that the États généraux are just a starting point, and that the work did not end when the participants left Caraquet. Over the next 10 years, we can look forward to the implementation of the solutions adopted during the États généraux. I can assure you that I will be following this issue closely.

In closing, I would like to point out that, this year, the États généraux coincided with the 2007 edition of the Gala des Éloizes, which recognize artistic and cultural excellence in Acadia. I applaud the 14 winners for 2007 and would like to mention, in particular, the award presented to a very dear friend of mine, Father Zoël Saulnier, in the category of "support for the arts". For many years, Father Zoël has worked tirelessly to support and promote the arts and culture in Acadia. It is precisely this kind of commitment that the organizers and participants attending the États généraux des arts et de la culture dans la société acadienne du Nouveau-Brunswick are hoping to get from the public and from decision makers in the coming years. Culture is a community affair.

• (1415)

[English]

ROUTINE PROCEEDINGS

AGING

BUDGET—REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Special Senate Committee on Aging, presented the following report:

Tuesday, May 8, 2007

The Special Senate Committee on Aging has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday November 7, 2006, to examine and report upon the implications of an aging society in Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT JOSEPH KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1456.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration two days hence.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Human Rights has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and monitor issues relating to human rights and, *inter alia*, to review the

machinery of government dealing with Canada's international and national human rights obligations, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1462.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

ALLEGED LEAK OF FIFTH REPORT OF THE COMMITTEE—REPORT TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Official Languages concerning a possible leak of the fifth report of the Senate Standing Committee on Official Languages: *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Games: A Golden Opportunity*.

• (1420)

[English]

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE PRESENTED

Hon. Jeremiah S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

EIGHTEENTH REPORT

Your Committee was authorized by the Senate on Tuesday, May 2, 2006, to examine and report upon the present state of the domestic and international financial system.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1468.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day and for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO TRAVEL—
STUDY ON ISSUES DEALING
WITH INTERPROVINCIAL BARRIERS TO TRADE—
REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SEVENTEENTH REPORT

Your Committee which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests for the purpose of this study that it be empowered to adjourn from place to place and travel within Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 1474.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of Senate.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF EARLY
LEARNING AND CHILD CARE—
REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTEENTH REPORT

Your Committee which was authorized by the Senate on Wednesday, February 21, 2007 to examine the state of early learning and child care in Canada, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 1482.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—STUDY ON LITERACY PROGRAMS—
REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FIFTEENTH REPORT

Your Committee which was authorized by the Senate on Wednesday, November 29, 2006 to examine the future of literacy programs in Canada, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix F, p. 1488.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTEENTH REPORT

Your Committee which was authorized by the Senate on Wednesday, June 28, 2006 to examine and report on current social issues pertaining to Canada's largest cities, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix G, p. 1494.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1425)

BUDGET—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, May 8, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRTEENTH REPORT

Your Committee which was authorized by the Senate on Tuesday, November 28, 2006 to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population, known collectively as the social determinants of health, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix H, p. 1501.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

ORDINARY SESSION
OF PAN-AFRICAN PARLIAMENT,
NOVEMBER 13-14, 2006—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Africa Parliamentary Association respecting its participation in the sixth ordinary session of the Pan-African Parliament held in Midrand, South Africa, from November 13 to 14, 2006.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ISSUES RELATED TO FOREIGN RELATIONS

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting, I shall move:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 9, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine such issues as may arise from time to time relating to foreign relations generally, be empowered to extend the date of presenting its final report to March 31, 2008.

• (1430)

[English]

THE SENATE

NOTICE OF MOTION TO APOLOGIZE TO SURVIVORS
OF INDIAN RESIDENTIAL SCHOOLS

Hon. Charlie Watt: I give notice that on Wednesday, May 9, 2007, I shall move:

That the Senate take note and concur with the resolution of the House of Commons apologizing to the survivors of Indian Residential Schools for the trauma they have suffered as a result of policies intended to assimilate our First Nations, Inuit and Metis children, causing them harm and the loss of their aboriginal culture, heritage and language while also leaving a sad and tragic legacy of sexual, emotional and physical abuse.

EFFECTS OF EXPANDED ETHANOL AND BIODIESEL PROGRAM

NOTICE OF INQUIRY

Hon. Mira Spivak: Honourable senators, I give notice that on Thursday, May 10, 2007, I shall call the attention of the Senate to the hidden costs and benefits of an expanded ethanol and biodiesel program in Canada.

THE SENATE

EMPLOYMENT EQUITY—NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that two days hence I shall call the attention of the Senate to employment equity in the Senate of Canada.

Senator Cools: How about non-senators?

[Translation]

QUESTION PERIOD

PRIVY COUNCIL OFFICE

IPSOS-REID POLL ON ETHNIC COMMUNITIES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Last year, at the request of the government, Ipsos-Reid conducted a public opinion poll of ethnic communities regarding the government's five priorities at a cost of \$117,000.

Can the Leader of the Government tell us if she can justify using taxpayers' money to evaluate the results of its election platform?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the premise of the question is false. The survey in question had nothing to do with the electoral or political platform of the government.

The survey was conducted by the Privy Council Office. For the first time, we have a government that is genuinely reaching out and trying to assist new Canadian communities and people from other parts of the world. The information was not the responsibility of the Prime Minister's Office; rather, it was the responsibility of the Privy Council Office. The results of the polling were tabled yesterday with Library and Archives Canada.

[Translation]

Senator Hervieux-Payette: We may not agree on the interpretation of that Ipsos-Reid poll. However, this poll concluded that the respondents did not know very much about the government's priorities and, furthermore, they did not relate to the five priorities. This report cannot be found on public lists. Yet, her colleague tells us that all contracts go out to tender. We can understand that this expense would be justified if it were required to better govern the country. However, what is not as clear is that although you are the fine authors of the Clarity Act and that, furthermore, you are the authors of the Accountability Act, why did the Canadian Press have to file an access to information request to obtain this report, which would normally be a public report?

[English]

Senator LeBreton: I can only answer what I said in answer to the first question. I suppose I shall be reduced to reading *The Globe and Mail* to get research on the questions that might be asked, but the fact is that the study, entitled, "Exploring the Views of Canada's Multicultural Communities," was conducted in September 2006, and the results of this particular survey should have been posted in March 2007. It was the responsibility of the Privy Council Office to do so. This has now been done, and all the outstanding information with regard to this survey, as I said, has been deposited with Library and Archives Canada.

• (1435)

PUBLIC WORKS AND GOVERNMENT SERVICES

REVIEW OF IPSOS-REID POLL ON ETHNIC COMMUNITIES

Hon. Terry M. Mercer: Honourable senators, this government is full of ministers who are not responsible for anything. The Minister of Public Works was not responsible for some things last week.

Honourable senators, I am not surprised that the Leader of the Government in the Senate has not answered the question in the way in which it was posed, as she has become good at skirting issues. My colleague's question is relevant since the Leader of the Government in the Senate and the Minister of Public Works have launched a witch hunt into the former government's polling practices by employing separatist Daniel Paillé.

Since the Minister of Public Works is so determined to find problems in the former polling practices that are nonexistent, will he ensure in this place that Mr. Paillé will examine the government's own polling practice and find out why this \$117,000 report had not been posted?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. As honourable senators know, the work to be done by Mr. Paillé relates to contracting and how these contracts were awarded. The period being reviewed extends from 1990 right up to 2003. In the case being discussed this afternoon, we are not discussing the validity of the award, but whether or not it was posted on time. The comments are well taken. The leader agrees with me that we should be posting these awards on time and we will ensure that they are in the future.

Senator Mercer: Honourable senators, it is heart warming to know that the government will actually start doing what they should have been doing in the first place.

Honourable senators, if the Minister of Public Works will not authorize Mr. Paillé to examine this issue, I believe today we have another person who, in the minister's words, may be as qualified as Mr. Paillé, since the only qualification I can see for examining polling practices is to be a separatist. As of today, André Boisclair is available. I understand he is a separatist. He is obviously not a good one, but a separatist nonetheless. I have printed off Mr. Boisclair's résumé as the minister may not have had time to do so. I will be happy to provide that to the minister.

Will the minister be hiring Mr. Boisclair some time soon to examine the minister's and government's own backyard to tell us why their polling practices are not put in the open in a timely fashion?

Senator Fortier: Honourable senators, currently we do not have any openings, so we will take Mr. Boisclair's résumé and put it away in case we need it.

FINANCE

REVIEW OF COST OF FOREIGN ACQUISITIONS

Hon. Jerahmiel S. Grafstein: Honourable senators, my question is for the Leader of the Government in the Senate. I wish to return to a previous question. I do not want to try her patience too much, but my question is in regard to the question of the deductibility of interest on foreign subsidiaries by Canadian companies. Honourable senators will recall that the issue was raised in the budget on March 19, and I first raised the matter in the Senate on March 21 as a problem. The problem has become more intense. The criticism from the business, academic and expert communities has intensified. I suggest that the government look at this question more quickly, because it has now been close to 50 days of increasing uncertainty in the business community here and abroad.

I have just some history for the honourable senator. This measure was introduced some 35 years ago by the Trudeau government. It came at a time when Canadian companies were increasingly under competitive pressure domestically and internationally. This measure was meant to increase the competitiveness and the defensiveness of Canadian companies.

I understand the minister's dilemma. He has been misinformed and misadvised by the Department of Finance on this measure. They have done a U-turn. Some years ago they fended off criticism of this particular measure and now they have done a 180-degree turn, as has been suggested in the press.

Honourable senators, I have a suggestion for a way out, if the Leader of the Government is interested. My simple suggestion is that the government immediately suspend the application of this proposal. It then give the Standing Senate Committee on Banking, Trade and Commerce a reference. The committee would then consult broadly and return a report to the government as quickly as possible. The Banking Committee is mostly bipartisan and would look at this subject in an objective fashion. To me, this would be a way out of the government's dilemma. Please accept this advice.

• (1440)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his advice. Minister Flaherty has said all along, and I think most people would agree, that he is opposed to tax havens and loopholes. The minister repeated that again yesterday when he appeared on *Mike Duffy Live*.

I remind honourable senators that the Governor of the Bank of Canada told the Standing Senate Committee on Banking, Trade and Commerce that one should be very careful about jumping to conclusions about what the minister will have in the planned legislation.

The Minister of Finance will shortly announce details on the question of tax deductibility on foreign acquisitions. I believe we all agree that we should ensure that not only is industry competitive in this country, but also that they pay their fair share of taxes.

Senator Grafstein: Honourable senators, I think the Minister of Finance is compounding this problem. He is about to come down with a measure without a full and public consultation. The best way to approach this situation when one makes a mistake — and this is advice from this side, for we have had problems as the result of previous budgets — is to publicly consult. Whenever the facts have become known as the result of a broad consultation, the facts have spoken for themselves.

The minister is now caught in a bind because, on one hand, he does not want to make Canadian companies less competitive at home and abroad, and on the other he is worried about egregious conduct where people take advantage of a provision.

Having said all of that, would it not be better to have a public consultation, decide with transparency and examine the officials of the Ministry of Finance who have put the minister and the ministry in this particular box? This suggestion is not meant to be critical; it is meant to be helpful.

Senator LeBreton: Honourable senators, Senator Grafstein makes the assumption that the minister has not consulted publicly with many of the interested parties. That is an incorrect assumption.

I will repeat what I said a moment ago: Minister Flaherty will shortly announce the details of his next move on this particular issue. In the interests of tax fairness for all Canadians, there is no doubt that the competitiveness of our industries is of paramount importance.

In addition, I do not think industries, and particularly Canadians who work hard and pay their fair share of taxes, would want to see these companies not doing the same.

Senator Grafstein: Honourable senators, the Minister of Finance has indeed consulted, but he has consulted privately. There is a difference between public and private consultation.

Therefore, I suggest to the Leader of the Government in the Senate and through her to the minister that the papers and the studies upon which the minister made his decision be made public. In doing so, the experts in Canadian business and the academics could review them, and our committee would undertake to study them as well, to see if this is an appropriate measure in light of the intense criticism.

Senator LeBreton: Honourable senators, I will be happy to pass on Senator Grafstein's suggestion to the Minister of Finance. I know the minister always appreciates that the honourable senator thinks in the interests of him and our government.

[Translation]

HERITAGE

SUPPORT FOR THE ARTS— AMENDMENTS TO COPYRIGHT ACT

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. The Conservatives have been in power for just over 16 months now, and it is clear that this government has decided not to defend the interests of our country's artists. It is truly disturbing to see that the Conservatives do not consider arts and culture a priority.

• (1445)

For example, there is the issue of copyright, which is so important to creators and all those who want to see their works recognized for their true value. The Conservatives promised a new bill that would provide a proper framework for creators and their works. They have not kept that promise.

Why is it so difficult for the Conservative government to put Canadian artists front and centre again?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for his question. However, before I answer his question, I would like to congratulate Senator Lapointe who has been named the arts and culture critic. Honourable senators, I was very pleased to read that his leader made this appointment, which was announced in the newspaper today.

Hon. Senators: Hear, hear.

Senator LeBreton: As the senator pointed out, we have been in government for over one year, and in that time our government has dramatically proven how committed we are to art and culture across the country.

In our first few months, we increased the budget for the Canada Council for the Arts by \$50 million. That budget increase is providing funding for artists and arts and cultural organizations across the country. In Budget 2006, we exempted donations of publicly traded securities to public charities from the capital gains tax, a measure that greatly benefited the arts and culture sector.

In Budget 2007, we extended the elimination of capital gains tax to private foundations, which will largely benefit the arts sector. We also announced an additional \$60 million over the next two years for local arts and heritage activities in our communities across the country.

Five million dollars per year is set aside for museums in small communities to hire student interns. On December 4, 2006, Minister Oda announced \$100 million over five years for the urgent needs of five national cultural institutions. Last December we directed Canada Post to maintain its support for the Publications Assistance Program, which helps Canadian magazines and community newspapers.

Minister MacKay also recently said that the Department of Foreign Affairs and Department of Canadian Heritage will work with artistic communities to promote the Canadian cultural presence abroad. I could also mention the Human Rights Museum in Winnipeg.

With regard to the specific question about the copyright, as the senator quite rightly pointed out in his question, we were elected and formed government last February. When most governments make commitments, they consider them over the term of the government, and we are still in our early days. I am happy to let the senator know that I will take the question with regard to the Copyright Act as notice, and I will get an answer for him as to when the legislation might proceed as quickly as possible.

Some Hon. Senators: Hear, hear.

[Translation]

Senator Lapointe: I would like to correct you. I have not been chosen as the official Senate arts and culture critic. I am a scrapper, as I believe you will learn in the coming weeks and months.

I congratulate you on all the great achievements you take such pride in. You have made progress. However, I am not sure you mentioned everything. I think you left a few out.

That said, would it be too hard for the Conservatives to admit that creators and their works enrich the lives of Canadians and the cultural heritage of people both here and abroad?

• (1450)

I have learned that you have made cuts in areas like assistance to artists abroad, the preservation of works in museums, the transportation of such works, et cetera. Do as you wish, but, in my opinion, that is like cutting down the blossoming and growth of our own identity.

My question is very important because it speaks to Canadians from coast to coast, of every language. Can the Leader of the Government in the Senate tell us whether the Minister of Canadian Heritage intends to learn French in the coming weeks, months or even years, because it may be too late?

[English]

Senator LeBreton: Honourable senators, I thank the senator for the question. I should know better than to believe what I read in the newspapers because I did read today that he had been asked by his leader to be the critic on matters of arts and culture.

There are many elements to the one question of the honourable senator, some of which I may take as notice. However, I do not want people to spread the mythology that we have cut funding to arts and cultural organizations. That is not true. There are major commitments to many parts of the country, small and large; to museums, cultural organizations and the Canada Council. Minister MacKay is working closely with the artistic community to promote Canadian artists abroad.

With regard to the minister to whom the honourable senator made reference, she is a very hard-working minister and understands her portfolio well. I believe she has done more for

arts and culture in this community in the short year and a few months that she has been minister than had been done for many years before she took the portfolio.

[Translation]

Senator Lapointe: As I recall, some \$100 million — more or less — was granted to Telefilm Canada. Cuts were made and the proof is in the pudding. In 2003, 20 Canadian films were made and subsidized by Telefilm Canada, while last year there were just 11 films. Can the minister tell us what happened?

[English]

Senator LeBreton: We have made significant improvements and increases in funding to the overall spending envelope for arts and culture. We are a new government. We were elected on a platform. We were not elected specifically to follow every single program of the previous government.

• (1455)

The most recent example is that, for the first time, the Canadian government is supporting a national museum outside the boundaries of the Outaouais, which is a very important step. This is a big country. We put \$100 million into the Canadian Museum for Human Rights, and we have also taken over the responsibility of managing it as a national museum. That was not done by the previous government. We have different programs in which we are investing our arts and culture dollars. When that measure was announced with the Canada Council, it was very well received in the arts and cultural community.

Having said that, Senator Lapointe — probably more than any person — speaks with great passion on this particular subject matter. He is to be congratulated for his interest and ongoing efforts in this area.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR MILLENNIUM SCHOLARSHIP FOUNDATION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. When the Auditor General of Canada tabled her report on Monday, May 1, 2007, she said:

I am pleased about the good management practices we found in these programs aimed at giving young Canadians better access to higher education.

In her report, she came to the conclusion that the Canada Millennium Scholarship Foundation is making progress toward improved access to post-secondary education. However, an article in the *Ottawa Citizen* on May 2, 2007, suggested that the foundation would no longer receive funding in 2008-09.

Can the minister tell us whether funding for the Canada Millennium Scholarship Foundation will be renewed?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, we were very pleased by the Auditor General's report on all fronts. The government was pleased to have a report and committed, in those areas where responses were needed, to respond.

With regard to a report in the *Ottawa Citizen*, every single day we are subjected to some person or other coming out and making an accusation about something the government will or will not do. We simply cannot be put in a position of responding to newspaper articles written by people who speculate and pass on misinformation. I did not see the article myself, and I have no idea what the senator is referring to exactly.

[Translation]

Senator Tardif: I would like an answer to my question, even if it is just speculation. Will this program be renewed?

[English]

Senator LeBreton: I will take that question as notice. I am asked this type of question quite often. There were various students' programs that we were supposedly cancelling; in fact, we did not cancel them, we enhanced them. The list goes on and on. I will simply take that question as notice.

[Translation]

Senator Tardif: Given that the foundation provided \$40 million to 20,000 people from under-represented groups, such as low-income Aboriginal students from rural areas, will the government continue to offer its support, or is it going to withdraw its support for less fortunate students?

[English]

Senator LeBreton: Honourable senators, obviously the government is expending a significant amount of money on our students in all areas, particularly on Aboriginal students and minorities. In that respect, this government is unlike Justin Trudeau, who obviously has not figured out what minority language rights are. When I heard what Justin Trudeau had to say, I thought to myself that his big backers, former Senator Hebert and Senator Fairbairn, should take him out and give him a good history lesson on the BNA Act and the Charter of Rights and Freedoms.

• (1500)

FINANCE

CHILD TAX BENEFIT

Hon. Catherine S. Callbeck: Honourable senators, in the last Conservative budget many initiatives were announced that truly make the rich richer and the poor poorer. For example, under the Canada Child Tax Benefit, a professional earning \$100,000 per year, with one child, receives a tax credit of \$2,000, which becomes \$310 in his or her pocket, whereas a single mother living in my province of P.E.I. earning \$20,000 per year receives absolutely nothing under this initiative.

Does the Leader of the Government in the Senate think that it is fair that a single mother living below the poverty line cannot benefit under this government's tax credit initiative?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in Minister Flaherty's Tax Fairness Plan, many Canadians have been taken completely off the tax rolls. As well, a host of tax measures and many incentives are directed specifically at lower income Canadians. As I have done on many occasions before, I would be happy to take the question as notice and provide the honourable senator with the full list of all measures taken in Budget 2006 and Budget 2007 to assist low-income Canadians. These measures and incentives were very well received.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised in the Senate. The first response is to a question raised by Senator Spivak on February 21, 2007, in regard to the effect of the change to the mandate of the Canadian Wheat Board on the port of Churchill, Manitoba. The second response is to a question raised by Senator Hays on March 28 in regard to the ability of the Canadian Wheat Board to function as dual marketing entity.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—EFFECT OF CHANGE TO MANDATE ON CHURCHILL, MANITOBA

(Response to question raised by Hon. Mira Spivak on February 21, 2007)

Canada's New Government campaigned openly during the last election on providing marketing choice for western wheat and barley farmers, allowing them to maximize their returns, while preserving a strong, viable, yet voluntary Canadian Wheat Board (CWB).

Prairie grain producers should be able to decide for themselves if CWB marketing is beneficial to them.

The Government is committed to moving forward in an orderly and transparent fashion to maximize and provide choice for Canada's farm families.

This government remains committed to implementing marketing choice for Western Canadian wheat and barley producers.

Marketing choice is about individual grain farmers being free to take advantage of marketing opportunities of selling their wheat and barley to any domestic or foreign buyer.

The Government intends that a strong, viable and voluntary CWB will be one of the choices available to farmers.

Marketing choice will not change the ability of the CWB or any other exporter of Canadian grain to move grain to export markets via Churchill, Manitoba.

**CANADIAN WHEAT BOARD—MARKETING
OF BARLEY—ABILITY TO FUNCTION
AS DUAL MARKETING ENTITY**

(Response to question raised by Hon. Daniel Hays on March 28, 2007)

The Government expects that the domestic and export demand for barley will remain strong.

This Government believes that there can be a strong Canadian Wheat Board (CWB) within a marketing choice environment. The Government sees a bright future for a strong, viable and voluntary Wheat Board, so loyal customers will be able to continue buying their grain through it. At the same time, Western Canadian wheat and barley producers will have the freedom to sell their products to other buyers, which may well increase overall sales and returns.

The Government hopes that the CWB would not refuse farmers the service of marketing their barley out of some political desire to resist the Government. The majority of farmers have clearly indicated that they no longer wish to be compelled to market their barley through the CWB. The Government intends that farmers will be provided with marketing choice for barley by August 1, 2007.

Canada's New Government is hopeful that the CWB will respect the wishes of the barley farmers. The results of the recently concluded producer plebiscite on barley marketing in Western Canada clearly indicate that over 60 per cent of the producers who cast votes indicated that they want to end the Canadian Wheat Board's monopoly on barley.

It is premature for the Government of Canada to respond to the CWB's request that the federal government assist it to purchase port facilities and grain elevators as we have yet to see a concrete plan from the CWB for how they will operate in the new environment.

[English]

**PAGES EXCHANGE PROGRAM
WITH HOUSE OF COMMONS**

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I would like to take the opportunity to introduce a House of Commons page who is participating this week in the Page Exchange Program. Elie Salamon, of Toronto, Ontario, is enrolled in the Faculty of Public Affairs and Policy Management at Carleton University. Welcome to the Senate of Canada.

ORDERS OF THE DAY

FIRST NATIONS LAND MANAGEMENT ACT

**BILL TO AMEND—SECOND READING—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, for the second reading of Bill S-6, to amend the First Nations Land Management Act.

Hon. Robert W. Peterson: Honourable senators, the Framework Agreement on First Nations Land Management provides signatory First Nations the opportunity to take control of their reserve lands and resources under their own laws.

The Framework Agreement was originally signed by a group of 14 First Nations and Canada in 1996 and the opportunity was available only to them. At that time, no Quebec First Nations expressed interest in being part of this group.

Over the years, First Nations have acknowledged the benefits of the Framework Agreement. To name just a few examples, the Whitecap Dakota community in Saskatchewan developed a whole industry in tourism with its award-winning golf course and casino; the Kitselas, in British Columbia, developed an ecotourism industry. As a result of these successes, in 2002 it was agreed that the Framework Agreement would be open to additional First Nations. The department, Indian and Northern Affairs Canada, authorized a "rolling 30 approach," allowing a maximum number of signatory First Nations in the development phase at any given time. In 2004, for the first time, a Quebec First Nation, the Essipit Innu, expressed interest in adhering to the Framework Agreement, thereby bringing further impetus to amend the Framework Agreement to make it bijural. Other Quebec First Nations are expected to follow in the near future.

It is therefore proposed to amend the Framework Agreement and the First Nations Land Management Act to incorporate the legal concepts and terminology of the civil law applicable in Quebec, which is the essence of Bill S-6.

The Lands Advisory Board, a First Nations organization that jointly manages this initiative with Indian and Northern Affairs Canada, strongly supports the proposed changes to the First Nations Land Management Act. The 17 First Nations, operating under the First Nations Land Management regime, have reached consensus on amendments to the Framework Agreement to incorporate civil law concepts and Essipit has become the forty-seventh signatory First Nation.

Land is one of the most valuable First Nations' assets, both economically and culturally. This amendment, when approved, will fulfill a commitment to support Québec First Nations to move along the self-governance spectrum at a time and place of their choosing.

We have heard many times at Aboriginal peoples' hearings that you cannot have social justice until you have economic justice. I urge honourable senators to deal with Bill S-6 as expeditiously as possible.

On motion of Senator Tardif, debate adjourned.

[Translation]

ACCESS TO INFORMATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Fraser, for the second reading of Bill S-223, to amend the Access to Information Act.—(*Honourable Senator Stratton*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, earlier today I indicated to Senator Milne that I was most interested in speaking to this bill. However, I would like to take the time to prepare to address certain points in particular. I hope to be able to do so next Tuesday. Therefore, I move that debate of this bill be adjourned in my name until next week.

On motion of Senator Comeau, debate adjourned.

[English]

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I am in agreement in principle with Bill S-219 as proposed by Senator Joyal. Honourable senators will recall a motion that the Senate Rules Committee look at how the Charter of Rights and Freedoms applies in this respect. Bill S-219 is the result of Senator Joyal's study as well as the decision in the *Vaid* case. I would like to express my views on the bill at another sitting of the Senate.

On motion of Senator Andreychuk, debate adjourned.

[Senator Peterson]

• (1510)

ACCESS TO INFORMATION ACT CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Grant Mitchell moved second reading of Bill S-224, to amend the Access to Information Act and the Canadian Wheat Board Act.—(*Honourable Senator Mitchell*)

He said: Honourable senators, I have presented this bill to the Senate in the context of the broader bill, Bill C-2, the government's so-called accountability act. By way of context, while the government has said that it places priority on that bill, C-2, it is interesting to note the contradiction in its actions — that is, that so much of the bill has still not been proclaimed, despite the fact that the government repeatedly criticized us for taking time to try to improve that bill.

It is not as though the government does not need greater transparency and accountability. We need only look to events of this week in the other place with respect to a minister's failure to report openly and adequately travel expenses to know that this government certainly needs to be pushed in the areas of transparency, openness and accountability. Having made such an issue of this in the past, one would expect the government would be absolutely on top of this legislation, but sadly, and clearly, they simply are not.

It is with too great an exuberance, I would argue, that they included in Bill C-2 the provision to subject the Canadian Wheat Board to access to information legislation. The reason I say they were overly exuberant is that I believe that subjecting the Canadian Wheat Board to access to information puts that commercial enterprise in jeopardy. I would argue that the reason, in fact, the government has been so aggressive in that regard is that not only do they want dual marketing in the area of wheat and other products, but I would say that this is evidence, along with other corroborating evidence, to suggest that in fact they want the Canadian Wheat Board out of the picture entirely and that dual marketing would simply be a first step.

If the Canadian Wheat Board is forced to reveal information under access to information legislation, it is entirely conceivable that it could be forced to reveal the kind of information that would hurt it competitively. While the government will say that the Canadian Wheat Board is not competitive but, rather, a monopoly, in fact it is not entirely a monopoly. Within the provincial boundaries, the Canadian Wheat Board has to compete for the sale and marketing of certain products, and internationally the CWB competes with some of the most competitive and aggressive companies that can be found in any industry.

I would argue that this provision in Bill C-2, veiled as it is as another political intention, could damage the Canadian Wheat Board fundamentally in its ability to operate and fulfil the mandate that it has fulfilled successfully for decades.

However, it is not as though this is being done to create greater accountability or transparency. As I said before, the government is not committed to greater accountability or transparency; otherwise we would know exactly how much that minister had

spent on which flights, when and to where. The real reason is that the government wants to damage and perhaps ruin the Canadian Wheat Board by a thousand cuts. As we have seen over the last number of months, that is a specific and calculated strategy.

A second major indication that the government does not care if the Canadian Wheat Board fails, and perhaps would even promote its failure — and the government does not, in fact, set as its objective the competitiveness of a Canadian Wheat Board in a dual-marketing structure — is an observation that I made some months ago in this chamber by way of a question to the Leader of the Government in the Senate. My question was premised upon this observation: The government says that if the Canadian Wheat Board is so good — and believe me, it is so good — then why would it be afraid to compete in an open market with the many huge, often American, and other multinationals which clearly are fundamentally competitive and aggressive?

The government says that, but they must acknowledge that over the decades that this Canadian Wheat Board has existed and functioned, anything that would have otherwise been construed as profits has been returned to the farmer. All those years, all of that excess value the Canadian Wheat Board has created due to their work, marketing expertise and efforts on behalf of the farmers, and their being able to accumulate the efforts and products of farmers, has been passed along to farmers to give them better prices and to support their farming operations, all the while that their international competitors have been building that profit, taking some, if not all, of that profit or excess value and putting it into capital, into building their systems, hiring people and creating capital projects and investments that support their operation.

I do not have a figure, and I am sure the government does not have a figure, as to what would be required by way of capital injection into the Canadian Wheat Board to allow it to de facto recoup all of that money that, in essence, its competitors have used to make themselves far more competitive than the Canadian Wheat Board possibly could be with the level of capital and investment that they currently have and that they could ever hope to achieve without some form of government support.

The answer was that the government has not thought about that. I will give them credit for being much smarter than that. I think they have thought about that and they have discounted it because it is not truly their objective to ensure that the Canadian Wheat Board, if they do cut it loose and make it a dual-marketing system, will in fact be competitive. I predict that if they do make the Canadian Wheat Board a dual-marketing system, it will be exceptionally difficult for the CWB to be competitive.

In essence, Bill C-2 is the first step in a slippery slope. This is a first major cut in damaging the competitiveness of the Canadian Wheat Board. The second step will be that, when and if they are able to cut the Canadian Wheat Board loose through their various techniques and create a dual-marketing board, they will in fact seriously damage the ability of the Canadian Wheat Board to ever be competitive because it simply does not have the capital that it needs to compete with the huge multinationals that it would face within that dual-marketing system.

It is interesting that often the proponents of doing away with the Canadian Wheat Board argue for it in the context of the World Trade Organization negotiations over the competitiveness

of agricultural products internationally. They ironically often use the argument that they need to do away with the Canadian Wheat Board, and shortly after they say — and they will start to do this, too — to do away with supply management because it hampers their ability to negotiate with the U.S. and with the European common market, where there are huge subsidies and where our farmers have to compete with minimal subsidies by comparison.

What is interesting, of course, is that the WTO has on many occasions indicated clearly that the Canadian Wheat Board does not represent unfair competition of any form. What is also interesting is that to do away with the Canadian Wheat Board and supply management would have a minor impact on the United States. It is not that the United States would gain anything by our doing away with that. It is not that it gives us any leverage in those negotiations. It has such a miniscule impact on the overall markets that the U.S. and European agriculture communities confront. It is not that such proponents use the argument that they really believe that doing away with the Canadian Wheat Board will give us leverage on an international scale. It is ludicrous to imagine that it would. The real problem in competing with the U.S. is the level of U.S. subsidies to their farmers and the level of European common market subsidies to European farmers. If they were serious about wanting to negotiate away subsidies, one would think that they would be focusing on the fact that our subsidies are much lower than both those of the U.S. and European Common Market now. On the basis of that observation, if this were leverage, the U.S. and European Common Market would reduce to our level before we get into any leverage, as it were.

• (1520)

I brought this bill forward to draw the attention of the Senate and the Canadian people to the fact that this initiative under Bill C-2 to subject the Canadian Wheat Board to the access to information legislation is not at all what it appears to be; it is quite the contrary. It is not designed for transparency and openness; it is designed, I would argue, honourable senators, to hurt the Canadian Wheat Board and it is part of a building process to hurt the Canadian Wheat Board much more significantly now than later.

On motion of Senator Tkachuk, for Senator Gustafson, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifteenth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on May 3, 2007.—(*Honourable Senator Furey*)

Hon. Wilfred P. Moore: Honourable senators, I wish to move the adoption of the fifteenth report of the Standing Committee on Internal Economy, Budgets and Administration, standing in the name of Senator Furey.

Hon. Terry Stratton: Honourable senators, I would like to speak to this at a later date. Therefore, I wish to adjourn the debate.

On motion of Senator Stratton, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

BUDGET—STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS—REPORT ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Official Languages (*budget—study on the application of the Official Languages Act*), presented in the Senate on May 3, 2007.—(*Honourable Senator Chaput*)

Hon. Maria Chaput moved the adoption of the report.

[English]

Hon. Terry Stratton: Honourable senators, I wish to ask a question or two.

This report speaks to a figure of, I believe, \$148,100; would the honourable senator indicate whether I am correct? The expenses cover primarily a trip to Vancouver for public hearings for two days and a fact-finding mission in Whistler for one day. The honourable senator was in that region not long ago. Is this a follow-up to that initial trip?

[Translation]

Senator Chaput: Thank you for your question, honourable senator. Yes, during the trip planned for early in 2008, we will be updating the work we have done and the report we submitted. We will be following up, one year later, on their progress in terms of services to be offered in both official languages at the Olympic Games.

[English]

Senator Stratton: To the knowledge of the honourable senator, after having gone, would there be a third trip, or does she think this will wrap it up? I am looking for value for dollars for the Canadian taxpayer, as Senator Massicotte would say. We want to ensure that is being achieved. I am not being critical, but the question must be asked if, having done this, does she feel that the committee will have accomplished what it will have needed to accomplish?

[Translation]

Senator Chaput: I can certainly say, honourable senators, that our first trip to Vancouver increased the level of interest and stakeholders' willingness to offer services in both languages. We raised the level of awareness. There is no doubt that work will happen faster thanks to the official languages committee's follow-up activities.

I would really like to be able to tell you that after the next meeting, we will not have to return the following year. Right now, that is what I am hoping for, but I do not know what will happen afterward.

[English]

Senator Stratton: That is about as reassuring as we can achieve, I suppose, in this instance.

My next question is fairly standard. The committee has nine members. As I understand it, the committee is composed of nine senators; two committee staff, one analyst, two stenographers, three interpreters and one media relations person, for a total of 18 individuals. Nine senators and nine staff. That seems like a great many folks to travel out there for three days. If the committee travels with fewer than nine senators, the money will be returned to the Senate. When I look at the staffing, two committee staff, one analyst, two stenographers, and three interpreters — that is for interpretation, I would expect — what is the requirement for two committee staff and one analyst, particularly the analyst? I do not understand the reason for that person.

[Translation]

Senator Chaput: I have asked, this year as I did last year, the clerk to check what the standards are with respect to how many staff members have to travel with committees. It is Parliament travelling.

I have checked the number of employees we have with us right now. It is the standard number of employees who usually travel with committees of the Senate whenever simultaneous translation is required and the services of an analyst are needed to prepare the report we have to produce.

I would like to add that we will look into the possibility of hiring qualified personnel locally, in Vancouver, as we did last year. Hiring locally would represent a savings of perhaps two people. I can assure Senator Stratton that we have looked at each item of expense and that we are aware that this is quite a chunk of money, and that it is public money, not ours. We realize that we are accountable and, if not all senators travel and we are able to save on personnel costs, any unspent amount shall be returned to you.

Motion agreed to and report adopted.

• (1530)

[English]

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Andreychuk*)

Hon. Consiglio Di Nino: Honourable senators, this item stands in the name of Senator Andreychuk. I should like to add a few words of support for this item, following which I shall move that the item continue to stand in the name of Senator Andreychuk.

The tragedy that has unfolded in the Darfur region of Sudan is a human catastrophe of monstrous proportions. I commend colleagues who have sought to keep this issue in the spotlight, particularly Senator Dallaire, whose tenacity in this regard reminds us all of our collective responsibility to our fellow human beings with whom we share this planet.

When I first spoke about Darfur in this chamber, on October 7, 2004, the conflict had taken the lives of some 50,000 people and had displaced 1.4 million. I had wondered then, perhaps naively, when the atrocities would end. Now, almost three years later, we are told that hundreds of thousands have been killed and that more than 2 million men, women and children have been displaced by the brutal onslaught of the Janjaweed militia and the Sudanese military.

There are no cameras sending daily feeds to our television sets or disturbing photos in newspapers that adequately report the terror and misery of the genocide taking place in Darfur. However, what has gone on and continues unabated is a challenge to the conscience of the world.

For four years, the international community has failed to come together and, in my opinion, has, at best, been indifferent to this humanitarian crisis. The United Nations has adopted the principle of Responsibility to Protect, but what has that principle done for the beleaguered people of Darfur? Why has the UN been unable to discharge its moral obligation and its purpose under article 1 of the Charter of the United Nations, namely, to "maintain international peace and security"? Even after a number of resolutions have been adopted by them, authorizing a variety of actions, why is the maiming, raping and killing of civilians still happening after four long years?

The world must not tolerate the continuation of what the UN itself has called the worst humanitarian emergency on the planet. In my comments on this issue in 2004, I asked, "Is a Black life worth less than a White one?" To that, I would add this question: If these atrocities were committed against our grandchildren, would we be as passive?

Frankly, I do not expect real changes to happen in Darfur any time soon, at least, until the government of Darfur accepts its responsibility or the UN uses its authority to force it to.

What should Canada do? Canada is a middle power, with limited resources, and our overseas commitments may already be at capacity. However, to the degree that we can do more, then we must. Time and again, as others have mentioned, Canada has shown principled leadership in the world and punched above its weight. On this issue, I believe we must once again step up to the plate, bolster our efforts and be among those who will finally bring an end to the death and destruction being inflicted on this vulnerable people whose suffering continues because we, the rest of the world, have failed to act.

Hon. Joan Fraser: Would Senator Di Nino take a question?

Senator Di Nino: Yes.

Senator Fraser: Honourable senators, as I understand it, part of the difficulty is that, at the United Nations, many of the African countries are very reluctant to give any impetus to a move that

might, in their view, erode African sovereignty over African countries, and given the history of colonialism, one can understand that it would be a sensitive issue. However, I am sure we all share the view that this situation is too serious not to be acted upon.

Does the honourable senator happen to know whether Canada, which has some credibility as a middle power with no actively colonial background, is using its good offices to try to work with the African countries to persuade them that they should be seeking to have the United Nations act? Does he know whether we are doing that kind of thing? It is a very naive question, but maybe only naive approaches will end up having any influence here.

Senator Di Nino: Honourable senators, I should first like to suggest that I do not believe it is only African nations that are holding back the authority to act on this. There are, too often, too many nations in the world, under the guise of "national interests," that do things that we should all be ashamed of, particularly in these kinds of situations. That is my opinion, obviously; however, if you check the records with the UN, I believe you will find that I am correct in making that statement.

To the degree that I have been able to, I have talked to some people at Foreign Affairs. I believe Canada is probably still punching above its weight, and it continues to do that. I am quite proud of the principled stances we have taken around the world on these issues, but it does no harm for us all to remind those who are in a better position than you and I or the rest of us in this chamber that we all have a responsibility to the innocent people of this world. If we have to take action that may not be palatable to all to stop the situation, then so be it.

Hon. Hugh Segal: In asking this question, I want to express parenthetically, as a member the Foreign Affairs Committee, my sincere joy at your election as chair and my best wishes for your work on all our behalf on these difficult and compelling issues.

In so doing, I want to pursue the issue you raised about whether we would be acting more expeditiously if these people were not Black, which Senator Dallaire has also raised in many places. In the end, as Senator Fraser thoughtfully pointed out, we could find ourselves, if we were determined to act, in a multinational force operating against the wishes of the OAU, which is very concerned about "a European force" arriving to deal with a matter that should be within the sovereignty of the African nations.

Can the honourable senator give us a sense of his thinking on how far he thinks Canadians should be prepared to go, specifically since the previous government endorsed what I believe we all have some affinity for, namely, the responsibility to protect doctrine, which is now part of the UN imprimatur and which came from a former and distinguished foreign minister in the previous administration?

Senator Di Nino: Maybe I am being naive, but why did we create the UN if it was not to act as a world body on issues where regional authorities or regional groupings cannot solve a problem that exists? That, I thought, was why the UN was created.

The UN has had some strong resolutions. The Darfur government has, in my opinion, totally disregarded any of the UN resolutions. I made the comment about if these children were

White instead of Black in 2004, some three years ago, and I understand some of the contrary opinions that if we go there, we may, unfortunately, create problems for some civilians as well.

• (1540)

As an example of a situation we should have resolved many years ago — world history is strewn with these kinds of situations — the Democratic Republic of Congo has had a problem for 10 years. From the information we can gather, approximately 1,000 people a day are still being killed by a bunch of hoodlums in that country. When we were doing our Africa study, we met with the Pakistani general who was in charge of the UN forces in the Democratic Republic of Congo, which was the largest force ever put together by the UN. When I asked him the question he said to me, “I can solve the problem; all I need is the mandate. All I need is the authority.”

We allowed 1,000 people a day to be killed for 10 years because we were afraid that some civilians might suffer death or injury by not taking any action. I do not want to play God but, my dear friends, which is better? One thousand people a day for 10 years; do the numbers.

Hon. Pierre De Bané: Will the honourable senator entertain a question?

Senator Di Nino: Absolutely.

Senator De Bané: Does the senator share my sadness that in the report to which he alluded from the Standing Senate Committee on Foreign Affairs and International Trade, that of the 44 recommendations not one deals with Darfur?

Senator Di Nino: I wish to thank the honourable senator for the question. Yes, we should have made some commentary. The problem is we did not visit Darfur, and we did not have any real or direct evidence on that issue. That created a problem for the drafters of the report. It does not take away from the severity of the situation or from our responsibility to keep this flame alive.

Hon. Anne C. Cools: Would the honourable senator take another question?

It is fair to say that most of humanity is deeply bothered by the situation in Darfur. I have listened quite carefully, yet I still cannot quite grasp what the honourable senator is proposing that Canada should do in a concrete way within our scope and possibility.

A few years ago Mr. Bush was so certain that he was cleaning up one problem, and it seems now he has created 1,000 new ones. In terms of a measure that we could get our minds around in this place, what concretely could Canada do?

Senator Di Nino: Honourable senators, we should first recognize that the action that Mr. Bush took was unilateral. We are talking about an issue which has had resolutions in the UN and is under their mandate and auspices. Canada has and continues to make this an issue of importance at the UN and other multilateral and bilateral meetings.

My hope is that with all of the commentary and words of support for this cause that have come from this chamber and otherwise, that we can ask the Government of Canada to take a

stronger leadership role at the UN or any multilateral meeting, whether it is the Commonwealth, IPU or USCE. This is an enormous tragedy that is taking place. I hope that the sponsor will put that sentiment into some sort of motion eventually. We continue to hear discussion and support for UN mandates, and changing them, if necessary, as a world body, so that we can keep the flame alive. If we allow this to continue without the strong commentary that we as parliamentarians can make, my fear is it will be forgotten. God bless us if that happens.

The Hon. the Speaker *pro tempore*: Senator Di Nino, you must ask for more time.

Senator Di Nino: Five minutes, please.

Senator Cools: For the record, Your Honour, Senator Di Nino did not ask for time, I note.

The Hon. the Speaker *pro tempore*: Senator Di Nino, are you asking for more time?

Senator Cools: I am just trying to make the point that the system is that the individual asks for the time and then time is granted.

Senator Di Nino: I have four minutes left of the five that my leader had asked for on my behalf.

Senator Cools: Actually, his leader did not ask either, if the record will show.

My recollection of the war in Iraq is Mr. Bush was not acting alone. He was supported by other world powers. The Darfur situation is especially bothersome to many of us. In respect of Senator Di Nino's suggestion, would it be possible for him to discuss this matter with Canada's foreign minister, Mr. MacKay, who could perhaps ask Canada's ambassador to the UN to advance this issue on the floor of the UN?

Senator Di Nino: I would be delighted to do that.

Senator Cools: That would be good.

The Hon. the Speaker *pro tempore*: Will you move the adjournment of the debate?

On motion of Senator Di Nino, for Senator Andreychuk, debate adjourned.

• (1550)

BUDGET 2007

HEALTH AND SOCIAL TRANSFERS—INQUIRY— DEBATE ADJOURNED

Hon. Wilfred P. Moore rose pursuant to notice of March 29, 2007:

That he will call the attention of the Senate to the matters of the Canada Social Transfer and the Canada Health Transfer contained in the Harper budget tabled on March 19, 2007.

He said: Honourable senators, I understand I have 15 minutes. I may require another two or three minutes, so I should like to have agreement to that extra time now, rather than interrupt my remarks.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes is agreeable.

Senator Moore: Honourable senators, it is my pleasure today to speak to The Budget Plan 2007: *Aspire to a Stronger, Safer, Better Canada*. In particular, I should like to speak to the manner of the transfer of funds from the federal government to the provinces. I wish first to address the spirit in which the transfer system in Canada developed over the years.

The federal government has for four decades been involved in post-secondary education, health care delivery and social programs. The main vehicle of this involvement has been through the delivery of transfer payments to the provinces. Between 1965 and 1968, the minority Pearson government created major programs that would form the basis of Canada's social programming. They were: Medicare, the Guaranteed Income Supplement, post-secondary education financing, and the Canada Assistance Plan. The people of Canada desired a nation that cared for its citizens, and these programs were created in that spirit. Often hailed as the "glory days" for federalism in Canada, both provincial and federal levels worked together to improve social standards provincially and for the country as a whole.

The Canadian federation was not built on shared sentiment alone, however. There was another major component. These programs were funded on a 50-50 basis by both levels of government. The equal cost sharing between governments recognized the different abilities of each province to deliver these programs and created a more equal level of availability of services nationwide.

On April 1, 1997, Established Programs Financing, or EPF, became the largest transfer to the provinces, encompassing health care insurance and post-secondary education. There were two components of EPF — a tax transfer and a cash transfer. The cash transfers were financial contributions made to each province periodically. The federal government also transferred tax points to the provinces, which provided the provinces with more tax room with which to afford these programs. These tax points amounted to 13.5 points of income tax and one tax point of corporate income tax. The intent of this system was to give the provinces the authority to levy and collect taxes to enable them to have the funds needed to provide these programs to their residents.

The aim was to provide equity to the Canadian tax system and the standard of services available to all citizens. The key to this system for provinces such as my own, Nova Scotia, was a recognition by all parties that a tax point differed in value from province to province. It was acknowledged by the federal and provincial governments that one tax point was of more value, that is, it generated more tax revenues for Alberta, for example, than one tax point would generate for Nova Scotia.

The key to this system for provinces such as Nova Scotia was the recognition by all parties that a tax point differed in value from province to province. Thus, the provinces with less fiscal strength than the provincial standard received an equity payment,

bringing their transfer payment up to that standard. This was the principle on which every calculation in transfer payments has been based since 1977 — until this year.

The Conservative Budget Plan 2007 announced a shift to a flat per capita transfer formula, which effectively ignores the differences in the value of tax points from province to province and erases equity of the formula that has existed for 30 years.

Based on 2006-07 tax point values, this new per capita based formula would have very negative effects on the smaller provinces, for which it was originally intended to assist. Nova Scotia, for example, would lose \$19 million; Prince Edward Island would come up short \$3 million; New Brunswick would lose \$15 million; Newfoundland and Labrador would receive \$13 million less; Manitoba loses \$21 million; Saskatchewan, \$22 million; B.C. \$73 million; and Quebec is out \$159 million. The big winners are Ontario, which gains \$197 million, and Alberta, which will receive \$125 million more.

Mr. Harry Van Mulligen, Minister of Intergovernmental Relations for the Province of Saskatchewan, said this when appearing before the Standing Senate Committee on National Finance:

We all understand "per capita," which is not an issue for us. Rather, the issue is the value of the taxes and a clear recognition that many more head offices of corporate and industrial enterprises are located in Ontario and Alberta, therefore creating a percentage of tax that will generate far more per capita or otherwise in those jurisdictions than in Saskatchewan.

The worry for provinces such as Saskatchewan is the widening gulf between themselves and a province like Alberta — a gulf that can have extremely detrimental effects. Competition between the two for labour alone could be devastating. How can Saskatchewan provide a similar living environment as Alberta when the ability to deliver services is widening daily?

Mr. Van Mulligen clearly stated the concern of his province when he said — and I quote:

We are highly sensitive to any further changes or distortions in fiscal capacity between Alberta and Saskatchewan. This is a huge issue for the province.

Furthermore, commencing on April 1, 2014, the same per capita formula will be applied to the Canada Health Transfer, CHT. If the changes to the Canada Social Transfer seem dire, the effects of this funding shortfall to health care in most provinces could prove disastrous. The budget speech delivered by Mr. Flaherty stated — and I quote:

The people of Saskatchewan have contributed much to Canada, but perhaps nothing as fundamental to our Canadian fabric as the concept of universally accessible health care.

How strange is it then that this Conservative government recognizes this fact by reducing the funding level of the Canadian Health Transfer to Saskatchewan and every other province except Ontario and Alberta?

In his budget speech, the Minister of Finance noted that Canada is a wealthy country. So why then is he and the Prime Minister putting in place this per capita CST and CHT formula that will only handcuff our Atlantic provinces? I always believed that the national wealth was for sharing by all Canadians, not just the chosen few, let alone the few who least need it.

In Nova Scotia, funding for health care, as in all provinces, is the largest government expense, and growing, not to mention the fact that Canadians are living longer and accessing the health care system much more frequently as we age. Any changes to the funding levels that exist today can only be seen as an attack on the system itself. How sustainable can we possibly make health care in this country when we are looking at actually cutting funds to many provinces?

I am reminded of a speech delivered in 2005 by Michael Ignatieff, now the Deputy Leader of the Liberal Party in the other place, who said:

... each Canadian citizen, wherever she may come from, wherever he may live, has the same rights, the same responsibilities, the same entitlements. Common citizenship means national programs, standards, rights and responsibilities that define us as Canadians and maintain our distinctness as a free people.

I happen to agree with this concept of Canadian citizenship. It speaks to that special relationship we have as a community of people in provinces that combine to form this country, a country that has always been about equality and quality of citizenship.

What does it mean to be a citizen of Canada today? What is the value of citizenship in this country? It is not about tax points or equalization payments. It is not about basing our Canadian citizenship on the lowest common denominator. It is not about taxes being more important than equality of citizenship. It is not the taxes paid that define us as Canadians. I am reminded of a quotation that attempts to explain the difference between a tax payer and a citizen:

Taxpayers are just full of anxiety. Citizens seek to participate in a constructive manner. Taxpayers seek always to reduce public life to a balance sheet. Citizens seek ways of broadening and deepening public life. Taxpayers, by definition, live in a private world, and they don't much like government penetrating that world. The word "taxes" symbolizes that penetration. Citizens seek life in the polis. Citizens live in a world of values, which, when agreed upon, determine how we will live.

Is my Canadian citizenship worth less because of my province's lower tax point value?

This government has chosen to ignore a reality of the Canadian federation, a reality that was recognized in 1977 and agreed to by the Trudeau government and all provincial governments as well as all subsequent nine federal governments.

As Tom Kent, an architect of Canada's social programs has described so ably:

Inequalities of provincial revenues are inherent in the nature of the economy. But now, as in the beginning, Canada is a nation thanks to defiance of some economic

considerations and thereby under all the more necessity to get other economic priorities right. Significant differences in public services available and the taxes payable in different provinces are not only unfair citizenship. They impede the mobility and adaptability that are imperative for the efficiency of a national economy.

• (1600)

In a time where leadership is required to preserve the institutions which provide Canadians with these programs and services, not to mention the sense of identity as a Canadian citizen, we are witnessing an abdication on the part of our federal government.

Honourable senators, I have spoken in this chamber on many occasions expressing my concern about the levels of funding for post-secondary education, as well as the method of allocation of these funds. Canada's federal government has played a leading role in the funding of post-secondary education and spends a great deal of money doing so. All of my research into this area has led me to believe that there exists a major discrepancy between the federal monies available to Atlantic Canada and the amount delivered to the rest of the country. I have spoken before about the need to break this cycle of bias to enable the universities in Atlantic Canada to participate equitably in this national wealth.

Sadly, this is the situation today, without factoring in the decrease in funding through this per capita formula as applied to the Canada Social Transfer.

Atlantic Canada does not possess the private pool of financing and corporate citizenry available in other provinces, such as Alberta, to bolster post-secondary research investment. The value of federal funding which is invested in post-secondary education in Atlantic Canada is immeasurable in this light. The per capita formula serves only to further widen the financial gulf that exists between regions in this country.

What is fair about this? It is absolutely the wrong approach at a time when the knowledge economy is the wave of the future. This funding policy is simply insidious. Strong leadership by our federal government is required to ensure the participation of all regions in this country in building this great future for Canada.

If Canada is to move forward and leave no region behind, the powers that be must be sensitive to the particular needs of each province in our federation. To make this change to per capita funding for post-secondary programs is to ignore this reality.

It is not good enough for Peter MacKay, Nova Scotia's representative in the federal cabinet and a person who has benefited from our post-secondary system, to tell our provincial government to "get over it and move on." We can never fail to recognize that the starting point of politics and policy is the human heart. Setting up roadblocks to the participation by all is not productive, nor is it good public policy.

Status of office without sensibility and without authentic knowledge of Canada, her origins and how she has developed, is lethal. The financial policies of the Harper government confirm that lack of sensibility and knowledge, so much so that they could cause one to weep for our country. Mr. Harper talked about

building a firewall around Alberta. With his budget, he has built a welfare wall around Atlantic Canada. He is ensuring that his perceived "culture of defeat" becomes a reality in Atlantic Canada.

These policies will deprive the citizens of our lowest populated provinces of health, education and other social services for decades to come. This approach is clearly an attack against the weakest provinces in our federation. These policies confirm Steve Harper as being the "economic hit man."

Therefore, I call on all Atlantic senators to speak out on behalf their respective regions. Remember the constitutional obligations to represent regions and minorities. Do not let this man divide our country. Canada is a land of sharing and equity; it is not a country based on the survival of the fittest. These policies will not make Canada stronger, safer or better.

Hon. Lowell Murray: Honourable senators, I am not an Atlantic Provinces' senator, although I have roots there. However, I do have some interest in the issues that have been discussed by Senator Moore today, and some experience with them.

Senator Moore has done us a service by raising this issue because probably sooner rather than later, the Government of Canada and the Parliament of Canada will have to revisit the issue. The question of going to equal per capita cash for the social transfers is one, as it is now designed, that will create very considerable hardship on most of the provinces of this country when it comes to financing post-secondary education, social services and, after 2014, the health care system.

I certainly would not argue with Senator Moore's recital of the historical background to this policy, and I do not think I have very much to add to it. At the risk of sounding somewhat like our old friend John Buchanan, I was there in 1976 at two first ministers' conferences. I was there as an adviser to the New Brunswick government when Prime Minister Trudeau persuaded the provinces to accept that, in future, the federal contribution to the hospital plan, to health care and to post-secondary education would be half by way of tax points and half by way of cash; that this would be a block grant.

In my mind's eye, I can still see Mr. Trudeau selling the benefits of this arrangement to the provinces, particularly that it would give the provinces more flexibility to follow their own priorities and all this kind of thing. They did not, of course, at that time, see the Canada Health Act and other legislative initiatives of the Government of Canada coming down a few years later.

The provinces welcomed the flexibility and welcomed the new arrangement. The richer provinces — or, to put it another way, the provinces that have more buoyant economies — welcomed the tax points. These were growth-related and they would produce buoyant revenues as the economy grew. There was no argument that the tax points would be equalized; nobody in the Government of Ontario or Alberta suggested that there was anything wrong with this. Everyone agreed that there was everything right with it. The only way you could make the tax point transfer work was to have them equalized.

The equalized tax points, which were paid out to sometimes seven but more often eight provinces, were paid out in a separate cash payment to the provinces. In 2005-06, I think the total

amount was \$1.3 billion. If one asked any federal government what they were paying for post-secondary education, health and hospitals, they would always include that amount in the total. The \$1.3 billion, I may say in parenthesis, was paid out through the general equalization program. If one asked them, how much they were paying in equalization, they would include the \$1.3 billion in that total, too; so they counted it twice but paid it once.

However that may be, there was another associated equalization that I will not detain you with because it is too complex. There was the revenue guarantee, as an honourable senator has just mentioned, but that was done away with at the time of the 1977 established program financing. There was another supplemental equalization that was entered into the formula and that amounted to about \$2.6 billion. The health portion of that is still there and will be there until 2014, when the agreement negotiated by the former Martin government expires. The federal government has given notice that it intends to put that transfer also on an equal, per capita cash basis.

• (1610)

There came to office in 2003 a new Government of Ontario headed by the Honourable Dalton McGuinty. I do not want to paint that government as the culprit, and I have to say that Ontario, over the past 10 years or so, has had serious challenges both economically and in its fiscal situation. It is no longer realistic to expect that Ontario will automatically agree to many initiatives to bring less prosperous provinces up to a national standard.

Mr. McGuinty began his career as premier by launching a campaign based on his declaration that there was a \$2.3-billion gap between what Ontarians paid into the federal treasury, through taxes and so forth, and the money that came to Ontario from the federal government. The \$2.3 billion, as any analysis will show, was accounted for, almost all of it, by the fact that Ontario has a more buoyant economy, and therefore, more income per capita and corporation tax revenue going into the federal coffers, less unemployment and therefore, less Employment Insurance coming into Ontario. Ontario does not receive equalization and so on. Those factors account for almost the entire \$2.3-billion gap.

Mr. McGuinty then turned his attention to the transfer programs and he saw this associated equalization. He saw that the cash payments going out to the provinces were higher per capita to the eight provinces that were recipients of equalization than to Ontario and Alberta. He found this to be unfair. He said that the only equalization payments should be under the general equalization program; all other federal transfers should be equal per capita cash. That was his argument. In the next breath he added that the general equalization program should not be enriched either, because he felt Ontario taxpayers were carrying too great a burden in that regard.

I was a member of a panel appointed by the provincial and territorial premiers to look into fiscal imbalance. We examined this and we agreed that certainly in terms of the appearance of equity, equal per capita cash is the way to go. However, we also saw that to do so could impose an unfair burden on the equalization recipient provinces in terms of the Health and Social Transfers. We suggested that the associated equalization, which

as I said was approximately \$1.3 billion in total in 2005-06, ought to be taken out and put in a separate tax point adjustment program and subject to some escalator over the years. It would not have added anything to the burden on the federal fisc, but you would go then to equal per capita cash payments for the Health and Social Transfers.

Premier McGuinty kept referring to this as “hidden equalization.” This was picked up by another panel appointed by the federal Department of Finance, headed by Al O’Brien. They picked up the quote and said that the associated equalization should be dispensed with. The same quotation was carried, apparently with approval, in Mr. Flaherty’s budget documents of 2007.

We taxed Ms. Barbara Anderson with the issue when she was at the Standing Senate Committee on National Finance last week. Ms. Anderson’s argument was that the equalization-recipient provinces are losing out on going to equal per capita cash. She said to remember that the federal government has put \$300 million more into the Canada Social Transfer — \$300 million that had already been provided for in legislation — and was adding \$687 million this year. The government was adding \$687 million first, to increase the payments to Ontario and Alberta, and second, to keep the recipient provinces whole so that they do not suffer in 2007-08. That may be the case, but there is absolutely no undertaking to keep them whole going forward. This is what so exercised the Minister of Finance of Saskatchewan when he was before our committee, and also the Minister of Finance of Nova Scotia in his budget address that I will come to in a minute. Nor is it true, I am sure, that the difference is made up in the enrichment of the general equalization program. It is not. It is just not there and the provinces that are affected know that perfectly well.

Let me just finally quote for you what the Honourable Michael Baker, Minister of Finance of Nova Scotia, said in his budget address a few weeks ago.

Measures in the federal budget will widen — not close — the gap that exists between the richer and poorer provinces in this country.

Then he goes on to speak about the problems with the general equalization formula and the offshore accord, which is being respected more in the breach than in the observance by Mr. Flaherty. Then he says:

And new methods of allocating other federal transfers, based on a cash amount per capita, actually favours the more-populous provinces like Alberta and Ontario — the ones that already have a far greater fiscal capacity relative to Nova Scotia.

The best example of this is the Canada Social Transfer, which is used to cover the cost of higher education and social services. The federal government will increase national CST funding for post-secondary education by \$800 million in 2008-2009.

But Nova Scotia will see only \$6 million more.

This for a province which is blessed, I think, with more universities and more university students per capita than most of the provinces of the country and has a special problem in that regard.

Honourable senators, as I said at the beginning, this is a problem that the government will have to revisit sooner rather than later. The answer is not to be found in the one-off increase of \$687 million, even if you allow for the escalator of 3 per cent going forward from 2009. This is not going to keep the poorer provinces whole. It will not enable them to provide adequate service to their people in terms of post-secondary education, social services and health care; not at all. It will have to be revisited by the government and by Parliament, and we might as well face that fact now.

By the way, the 3 per cent escalator to cover post-secondary education in particular is, in my humble opinion, inadequate. We all know post-secondary education has been crowded out for more than a decade by the demands of health care. Something has to be done to increase the federal transfer to provinces in that area. Something has to be done to increase the transfers, and if someone wants to argue against that, I invite them to do so. Three per cent per year will prove to be inadequate, given the fact — and I do not want to bring back too many unpleasant memories — that in 1995 they ended the Canada Assistance Plan, they lumped the Canada Assistance Plan together with health, hospitals and post-secondary education. The total amount was \$18 billion and they immediately reduced it to \$12 billion. We have been playing catch-up in all these areas during most of that time. While it is arguable that the health care transfer is now on a good track out to 2013-14, we are still playing catch-up in the other areas, and most emphatically in the area of post-secondary education. Something has to be done to restore federal financing to its pre-1995 levels.

• (1620)

Hon. Bill Rompkey: Honourable senators, may I make some remarks on this debate now?

The Hon. the Speaker *pro tempore*: Yes.

Senator Rompkey: I was not prepared to speak to this matter today, but a full discussion is necessary on the whole budget issue, including equalization, the accords and so on. I will put some points on the record, at least for future reference.

I take up the last point made by Senator Murray about post-secondary education. It is necessary to have some strings attached to the payments for education and, although I stand to be corrected, currently there are none. As well, there is no onus on the province to spend money targeted to post-secondary education on post-secondary education. I remember a report by Mr. Al Johnson that showed that many provinces, including my province of Newfoundland and Labrador, spent a great deal of that money on highways. One point that must be considered is the necessity to attach strings so that money targeted to education is spent on education. That must be considered because it will be so important for those provinces that need help with employment and other considerations.

The other point that needs clarification is in respect of the burden of Ontario. I understand Senator Murray’s point, however, the burden does not fall to Ontario but rather to all the provinces because equalization is derived from all revenues of

Canada, and all provinces contribute to the fund that is shared in the equalization program. To be clear, this is not a matter of Ontario and Alberta transferring payments to the rest of Canada, but rather it is a Canadian fund into which all provinces pay.

The equal per capita cash will cause problems, as Senator Murray alluded to, in the provinces that are losing people. Again, I speak of my province where a direct flight can be taken from St. John's to Fort McMurray. Newfoundland and Labrador exports more people than it ever exported before. As the population in a province declines so too does the cash decline. When taken on a per capita basis, provinces with decreasing population stand to be the losers over the long term.

That raises another point: If my province is losing people and, therefore, losing cash, now that the fishery is gone, we have only oil to depend upon. If we were Alberta and if that oil were on land, then we would be in the money. However, the fact is the oil is not on land but is under the sea and under disputed ownership. We have gone through court cases and, during the days of the Mulroney government, we decided to put aside the question of ownership and establish a joint board. That was a reasonable accommodation except that the original intent and the original words of the 1985 Canada-Newfoundland Atlantic Accord were not honoured. The original words of the Atlantic Accord stated that the revenues from oil would go to Newfoundland and Labrador as if the resource were onshore; but that did not happen.

Until about 2003, 80 per cent of all federal cash went to the Government of Canada and 20 per cent went to the Government of Newfoundland and Labrador. The initial intent in the wording of the Atlantic Accord was not honoured up to 2003. That should be remembered when we talk about catch-up and the relationship between the Atlantic Accord and the equalization program.

Honourable senators, those points are to be considered as the debate ensues on the relationship between the equalization program and the Atlantic Accord. Although I am not prepared

to speak to this at length and in depth today, some of those points did come to mind and I offer them to honourable senators for future reference.

On motion of Senator Fraser, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO SEVER DIPLOMATIC RELATIONS WITH ZIMBABWE ADOPTED

Hon. Hugh Segal, pursuant to notice of March 22, 2007, moved:

That the Senate call upon the Government of Canada to immediately withdraw its High Commissioner in Harare and sever all diplomatic relations until further notice in view of:

- (a) the massive violations of human rights by president Robert Mugabe;
- (b) the oppression of the black majority and white minority citizens of Zimbabwe;
- (c) the confiscation of legally-held land; and
- (d) the brutal and illegal beating and imprisonment of Zimbabwe's leader of the opposition, Morgan Tsvangirai; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

Motion agreed to.

The Senate adjourned until Wednesday, May 9, 2007, at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 95

OFFICIAL REPORT
(HANSARD)

Wednesday, May 9, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, May 9, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

AUTISM

Hon. Lucie Pépin: Honourable senators, I rise today to recognize Quebec's regional autism associations, which recently held marches to raise awareness. On April 28, these organizations simultaneously took to the streets in 12 regions of the province. I had the privilege of taking part in the first march held in Montreal by the association Autisme et troubles envahissants du développement.

Accompanied by the drumming of the group Kumpa'nia, and also by rain and wind, more than 100 of us paraded through the streets of Plateau Mont-Royal to raise public awareness of autism and pervasive developmental disorders. The march ended after a video presentation showing people with autism achieving success in school, at work and in leisure activities. While people with autism may be disabled in some ways, they have many talents that need support to blossom.

In Montreal, we were united by a common bond of commitment to furthering the cause of autism. The same commitment drove the marchers in Quebec City, Rimouski, Longueuil, Sherbrooke, Baie-Comeau, Lévis, Laval, Saint-Jérôme and Joliette. In Gatineau, the place where the idea was launched and which was holding its fifth annual march, more than \$33,000 was raised to allow autistic children to attend specialized summer camps.

• (1335)

The recent report on autism by the Standing Senate Committee on Social Affairs, Science and Technology states that there is a general lack of understanding among Canadians about autism and its spectrum of disabilities.

The Committee feels that a greater understanding of autism spectrum disorders could help to reduce the stress experienced by autistic individuals and their families. These marches contribute to the national public awareness campaign.

It is time to acknowledge the commitment of thousands of parents, children, friends and stakeholders across Canada who spare no effort to ensure that autistic individuals get the support they need.

Honourable senators, as we mark National Mental Health Week, I invite you to join with me in extending our deepest appreciation to these people for the invaluable services they provide.

COMMENTS OF LIBERAL CANDIDATE FOR PAPINEAU

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we all know that Justin Trudeau was kind enough to make the trip from Westmount to impart his wisdom to Acadians about French-language and English-language schools.

In his speech, he proposed that Acadians go back to the era when schools were unilingual.

Honourable senators, why would we want to take such a backward step? You will recall that Acadians used to attend English-language schools and, as a result, gradually lost their knowledge of French.

Mr. Trudeau, who stated that sometimes sacred cows need to be looked at, justified his proposal by saying that it is expensive to maintain two school systems. I clearly remember that the authorities trotted out the same excuse when we were fighting to keep our schools.

Trudeau's proposal is not appreciated by the people who have dedicated their lives and are still fighting to advance the cause of Acadians in Atlantic Canada. These people have set themselves the mission to safeguard their precious language and all its richness.

Some have explained Mr. Trudeau's statement by saying that he is young, but I am not impressed by that argument. A man of 35 who goes into politics, a man who knows how to attract media attention with what he says and does, should certainly be mature enough to find out the lay of the land before he issues statements.

His inappropriate remarks serve as a reminder to all parliamentarians that it is always a good idea to think before you speak.

[*English*]

NATIONAL NURSING WEEK

Hon. Joan Cook: Honourable senators, this week is National Nursing Week. I would like to pay tribute to a group of men and women whose work is integral to our nation's health care system.

We use this week to recognize the tremendous contributions that both the nursing profession and individual nurses have made in our communities. Nurses are a fundamental component in our hospitals, communities, homes and schools and have a plethora of roles.

Nurses work with governments at all levels to reduce environmental hazards. They collaborate with police officers, firefighters and others involved in emergency planning to ensure that at the time of an epidemic or a natural disaster the expertise and infrastructure are there to deal with people with physical and mental health problems.

They also have a long history of involvement with social issues like homelessness and healthy child development. They lead research and international development initiatives and have a strong presence in Canada's military.

Honourable senators, just a few moments ago, I stood in the front of the Nursing Sisters' Memorial in the Hall of Honour and saw four courageous nurses being honoured for their service in Kandahar. They are Major Vanessa Daniel, Lieutenant Jeff Lee, Captain Odette Rioux, and Captain Christine Matthews from the community of Grand Bank in my home province of Newfoundland and Labrador.

Unfortunately, we continually hear about shortages in this profession, yet in our nursing schools, it is reported that there are three and four applications for one space. The interest is there. Stakeholders report that nursing across Canada must begin to work as a cohesive and connected unit instead of operating in fragmented silos. This one step could yield invaluable results in the field.

We often hear how nurses are at the heart of health care. I would like to take this opportunity to publicly acknowledge their remarkable courage and give them the recognition they truly deserve.

• (1340)

MENTAL HEALTH WEEK

Hon. Wilbert J. Keon: Honourable senators, the first week of May is Mental Health Week. To celebrate the week this year, the Canadian Mental Health Association is focusing on the need to maintain a work-life balance — something that far too many of us shrug off as an impossibility. It is becoming increasingly difficult to reach this balance in today's busy world. Some 58 per cent of us are overloaded trying to meet expectations of the many roles we play at work, at home, and with our families and friends.

This overload can cost us all dearly. According to Statistics Canada, people whose lives are either quite a bit or extremely stressful are three times more likely to suffer a major depressive episode compared to those who reported low levels of stress. Of those who had to take a break from work, almost three quarters did not return. To make matters more difficult, there is little support at work for people who have mental health issues. Relevant services are available to only about one third of workers in their place of employment.

The stigma that still clings to the "mental illness" label prevents people from getting needed care. According to an Ipsos Reid public opinion poll released in February, almost 80 per cent of employees believed that someone diagnosed with depression would keep it secret.

Peer support might be lacking also. Co-workers often do not know how to deal with colleagues who are suffering from depression, because of a lack of understanding of the problem. Here is the bottom line: Business pays a heavy price for employee burnout. According to the Global Business and Economic Roundtable on Addiction and Mental Health, mental illness costs Canadian businesses \$14 billion a year.

Honourable senators, these are costs that Canadians and Canadian firms cannot afford. Ignoring the problem of mental illness and hoping it will go away is not the answer. We need to deal with it, in part, by promoting a healthy work-life balance.

I also want to take this opportunity to comment on the need to promote First Nations mental health. Sadly, one in three Aboriginal youths has thought about suicide by age 17. This is a serious issue that needs to be addressed.

I would urge honourable senators to visit the Canadian Mental Health Association website — www.cmha.ca — for more information. Taking care of our mental health can make a big difference in our lives and those of our friends and associates.

[Translation]

OFFICIAL LANGUAGES

Hon. Roméo Antonius Dallaire: Honourable senators, today I would like to speak about the point brought up earlier by Senator Comeau, Canadian linguistic duality.

Yesterday one of the members of the Parliamentary Group for the Prevention of Genocide said that she spoke in French when she was in Canada and in English when she was outside of Canada. Around 60 students were there and heard this comment, which I think is childish and ridiculous. Canadian linguistic duality, our ability to express ourselves in both official languages, enables us to speak in our language, not because it is a basic part of our ability to express ourselves, but because it is a right. That member of the group was speaking very immaturely.

[English]

The same kind of disrespect for the fundamental duality of the country goes back to the CBC report of the dedication of the restored Canadian National Vimy Memorial; Jack Granatstein was a CBC guest on that report. In that moment of bringing Canada together under a significant historic event, it was said that only one battalion of the 49 was French-Canadian. In so saying, the French-Canadian participation was exceptionally limited in this event and had limited impact in the province of Quebec.

Honourable senators, between 12,000 and 14,000 French-Canadians fought in World War I — about 5 per cent of the total commitment. Allow me to read to honourable senators a policy of the time in which we did not want French-Canadians to serve together for national unity.

• (1345)

[Translation]

At the start of the war, 13 infantry battalions out of 258 were French-Canadian. They had difficulties recruiting and often had to fight alongside anglophone soldiers because the generals did not want French-Canadian reinforcements to be deployed in strictly francophone units.

According to Jack Granatstein, the officers unanimously agreed that these soldiers should be dispersed for the good of national unity. There was a fear that if they were grouped together in the same battalion, they would develop a francophone nationalist

sentiment. This is why Quebecers were forced to be dispersed among Anglophone units, and this is why now, at this historic time, it could be said that there was not a single French-Canadian regiment.

[English]

ROUTINE PROCEEDINGS

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—FIRST READING

Hon. Pat Carney presented Bill S-225, to amend the International Boundary Waters Treaty Act (bulk water removal)

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carney, bill placed on Orders of the Day for second reading two days hence.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-299, to amend the Criminal Code (identification information obtained by fraud or false pretence).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

QUESTION PERIOD

FINANCE

FOREIGN TAKEOVERS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Domtar, Abitibi Consolidated, Algoma Steel, North American Oil Sands Corporation, Inco and Dofasco have come under foreign ownership. Now Alcan and very soon BCE, two blue chip

companies that are part of the backbone of the Canadian economy, will be taken over by foreign investors.

• (1350)

All of this has been happening under the leadership of the Harper government. According to Bloomberg data, these acquisitions amount to \$156 billion over the last 16 months, compared to \$43 billion in 2005. Can I just deduce that Tory times are hard times for Canada?

I would ask the Leader of the Government in the Senate to inform the chamber as to when the fire sale of the jewels of our country will stop? We are losing headquarters to other countries, losing research and development and losing professional services. What concrete action does our government intend to take to save these jobs and protect our sovereignty, especially in the natural resources and communications sectors?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

Obviously, it would be inappropriate for me, as a member of the government, to comment on business decisions.

The negotiations taking place between Alcoa and Alcan have been taking place for over two years. In response to claims from the official opposition that the proposed budget measures are somehow responsible for these foreign takeovers, I should like to quote Jack Mintz, who stated in a *National Post* article on Tuesday, May 8, 2007: "That's just imagination."

Everybody has different opinions on this issue; I read two conflicting opinions in this morning's newspapers. Suffice it to say, this is an issue that has been ongoing for several years.

[Translation]

Senator Hervieux-Payette: Honourable senators, the predators on our finest Canadian companies had access to Prime Minister Harper and Minister Bernier, who lent them a more favourable ear, leaving the door wide open to the foreign takeover of the pillars of our economy. Can the Leader of the Government at least assure us that the government will study this situation seriously and take swift action, as the United States, Australia and England have done, and stop this haemorrhaging that puts Canada's economic sovereignty at risk?

[English]

Senator LeBreton: I would remind all honourable senators that, as with all large acquisitions, anti-trust and foreign investment clearances must be obtained. In accordance with the Investment Canada Act, only those investments that demonstrate direct benefit to Canada will be approved.

FINANCE

CHILD TAX BENEFIT— EFFECT ON LOW-INCOME CITIZENS

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate. Yesterday, I asked her whether she felt it was fair that a single parent living below the poverty line cannot benefit from the government's child tax credit.

The government leader's answer did not address my question. Therefore, I still do not understand why this government ignores the very children that need help the most. How does the government leader justify that low-income parents cannot take advantage of her government's child tax credit?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

I should like to review some of the budget policies for working families and lower-income Canadians.

Budget 2007 helps working families and individual Canadians through, as I mentioned yesterday, a new working income tax benefit, WITB, of up to \$1,000 for per family, \$500 per individual, which will help 1.2 million Canadians over the welfare wall; a new \$2,000 tax credit for every child under 18, to reduce taxes for 3 million Canadian families; a \$1,000 tax credit to cut taxes for working Canadians; a tax fairness plan that cuts taxes for seniors by over \$1 billion every year; improved RESP flexibility to allow more families save for their children's education; a new long-term savings plan for parents of children with severe disabilities; and fairness for single-income families by ending the marriage penalty.

• (1355)

Senator Calbeck: Honourable senators, the Leader of the Government in the Senate has still not answered my question. I asked a specific question about the child tax credit. According to a new report by Statistics Canada, one out of ten Canadian children lives in poverty. The government's child tax credit initiatives do absolutely nothing for Canadian children from low-income families. An amount of \$310 per child would go a long way for a single mother living below the poverty line.

I ask the Leader of the Government again: Why is this government punishing low-income parents and their children? Why is this government forgetting about or leaving out the Canadians who need help the most?

Senator LeBreton: I take issue with the premise of Senator Calbeck's question. There are many programs provided by the federal government, as well as by provincial governments; for example, through transfers, to help people living at the lower end of the income scale, or who are not working at all, through welfare, and there are other programs.

One of the measures brought in by this government is the direct payment to families of \$100 per child for every child under the age of six. This helps all families, including those which are less fortunate and living in poverty.

To say that the government is ignoring this issue is wrong. I again point out that we have brought in programs to help people get over the welfare wall and to assist them in providing for their families by offering them a chance to participate in the labour force. There are many government programs, and the government has taken a number of people off the income tax rolls. The honourable senator's question does not properly reflect the efforts this government is making for Canadians who are less fortunate than others.

[Translation]

JUSTICE

ABOLITION OF COURT CHALLENGES PROGRAM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Last fall, the government announced cuts to a number of government programs, including the Court Challenges Program.

An article in *Le Droit* on May 2, spoke of a motion brought forward by a member of the government, suggesting that there may soon be a new program that would ensure recognition of the linguistic rights of official language minority communities.

However, the Leader of the Government said in the Senate on April 17:

I have absolutely no intention of campaigning among my colleagues, in my party or in the cabinet to bring back that particular program.

My question is this: can the Leader of the Government in the Senate confirm whether the government will support its member's motion that would implement a program to ensure recognition of linguistic rights and give a voice to official language minority communities?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As I have said in response to previous questions on the Court Challenges Program, our government will continue to respect its legal and constitutional obligations and responsibilities. I believe our government is firmly committed and is shown to be so in its support of the development of official languages minority communities and the promotion of English and French in Canadian society. We are delivering on a four-year, \$120 million agreement for communities. In addition, last September, our government announced a five-year strategic plan to foster immigration to francophone minority communities.

• (1400)

[Translation]

HOUSE OF COMMONS

CANCELLATION OF MEETING OF OFFICIAL LANGUAGES COMMITTEE

Hon. Claudette Tardif (Deputy Leader of the Opposition): If the language rights of the official language minority communities are as important as the Leader of the Government has indicated, can she then explain why her colleagues from the other place cancelled — at the very last minute — the meeting of the Official Languages Committee, although representatives of the Court Challenges Program had travelled from Winnipeg to attend that meeting?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government is not responsible for all of the committee's work in the other place. Government members are on the committee, and I think the decision of the committee in the other place is best left to them.

We all saw what happened in the committee last week. The chairman of that House committee, Guy Lauzon, stated publicly that, as this matter is before the courts and also under the study of the Commissioner of Official Languages, it was best to cancel the meeting and delay the study for a few weeks in the interests of all. We saw what happened last week when the committee became part of other hearings. That was not helpful to anyone, whether they be French or English speaking.

Mr. Lauzon, who I hasten to point out is Franco-Ontarian, is a very credible spokesman for our party on these issues. He would only act on this matter in a responsible way. I believe that the explanation he expressed yesterday is valid. Cooler heads should prevail. As I said before, this matter is before the Commissioner of Official Languages, and Mr. Lauzon has decided it would be appropriate to wait a few weeks before bringing this matter back to the attention of the committee in the other place.

Senator Tardif: I take it, then, that the chairman of the committee made that decision unilaterally, without consulting the steering committee and, perhaps, making arrangements for the people who had planned their trip to know about the decision in advance, before arriving in Ottawa five minutes before the meeting?

Senator LeBreton: Obviously, the honourable senator would not expect me to be involved, nor should I be, in the operation of the committee in the other place. Therefore, I cannot answer that question. Only the committee chair and the steering committee of that particular committee could provide that particular answer to the honourable senator.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

REPORT OF MINISTERIAL ADVISORY COMMITTEE ON CHILD CARE SPACES INITIATIVE

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. On April 24, 2007, I asked the Leader of the Government in the Senate why the national child care spaces investment fund recommended by Dr. Gordon Chong and his committee will not be created, and I did not get an answer. I expressed my profound concern that money transferred to the territories and provinces through the Canada Social Transfer is a poor choice; the fund would be a good choice.

Honourable senators, I am sure the answer will be short, so I will take a couple of minutes to explain this fund and to go through some of the extremely valuable words in this report.

The report used words such as: "Establish a national child care spaces investment fund, administered by a third party, to finance the creation of new, high-quality child care spaces and the stabilization of existing child care spaces." It also spoke about

being accountable, transparent and inclusive; respecting the need for multiple approaches; giving priority to partnerships and creative approaches; encouraging dialogue, community support, trust and openness, with clear roles and responsibilities and independent reporting; and with a small bureaucracy so that most of the money would go to child care spaces.

The fund would also be a trustee of public and private money, managed efficiently and effectively, with transparency and accountability. To build equity within the fund, there would be a national competition with priority being given to community partnerships, and provincial and territorial cooperation and contribution would be established. This fund would have certain priorities with respect to the defined gap between local supply and demand; it has a proven track record of high quality child care; and is innovative, creative and flexible. Children with special needs should receive special consideration from the fund.

• (1405)

To the honourable Leader of the Government, again, why is the Harper government not following this wise and visionary recommendation?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. As I have said on many occasions, the issue of child care and the approach that our government has taken is obviously not the same approach that was advocated by the previous government. We were elected on a platform. We made it clear how we wanted to approach the child care issue. The honourable senator mentioned the report of Gordon Chong. The government appreciated his work and will respond in due course. However, on the issue of child care, honourable senators, there have been many ideas through the years. Some of us have taken positions on child care that I think are valid.

I wish to read into the record some comments from the Leader of the Opposition on this very issue, which appeared in a book entitled *If I Were Prime Minister*. On page 119 of this book, which is a compilation of various people's views, I want to quote what Senator Hervieux-Payette said.

Even today, when we talk about providing child care programs, the solutions are short term and costly. It is not necessarily a universal day-care system we need. It is a system that will make the family the cornerstone of our future as a society, one that will stop penalizing parents who dare to have children. It will even encourage the restoration of a link with grandparents. We isolate individuals who have problems. Day-care is necessary when a parent is working outside the home, but why should it be institutionalized? A grandparent or a neighbour could do the same thing. Are we ready to use our imagination to consider other options, sometimes more flexible, that we can afford?

By the way, I totally endorse the words of Senator Hervieux-Payette on that occasion.

An Hon. Senator: Times have changed.

Senator Trenholme Counsell: I thank the honourable senator for her response. I do not want to raise my voice or get mad but I have found this process very frustrating. I have twice now asked

the honourable leader a direct question based on an excellent report. I thought she would say to me, "Yes, my government commissioned this report, so we will take credit for it," but I was giving a lot of credit to the report.

In this report there are four pages devoted to this fund. The honourable senator will not answer my question as to why the Harper government made the decision not to follow that lengthy and sound piece of advice to establish a fund rather than pouring this money into the Canada Social Transfer.

There is probably no point asking for a deferred answer, but the leader has not answered the question. This is the kind of thing that makes Canadians uneasy, and I am very sad. I do not want to say I am very mad; I am very sad. I will give her another chance. Why was the decision taken to put the money into the Canada Social Transfer rather than into the fund, as suggested in this very well thought out and well-documented report?

Senator LeBreton: When the honourable senator asked the question a week or so ago, I responded to the question. I thought my answer was very clear. Obviously, the honourable senator did not think the answer was clear or did not like the answer.

The honourable senator says she is sad or mad. The fact is that the government has undertaken a tax fairness program and other programs, as well as efforts to address child care needs, and not only, as I have said before, in the larger centres, because child care is a very complex issue. There are very different needs in different parts of the country, for instance, in smaller communities and rural areas. Senator Hervieux-Payette was quite right in her book, *If I Were Prime Minister*, that there are parts of our society that want to make arrangements; even working parents want to make different arrangements within their family or their neighbourhood.

• (1410)

There is not a single cookie-cutter model that we can use. The government is studying the recommendations and report of Dr. Chong, and when they have a fulsome response I will be happy to provide it to Senator Trenholme Counsell.

FOREIGN AFFAIRS

ZIMBABWE—BREAKING DIPLOMATIC RELATIONS

Hon. Hugh Segal: My question is to the Honourable Leader of the Government in the Senate. The question relates to a motion which was passed unanimously by the Senate yesterday, calling on the government to withdraw our diplomatic relations with Zimbabwe. A message to that effect pursuant to the motion was sent to the House of Commons and duly noted in their journal on this date.

Would the Leader of the Government in the Senate be prepared to undertake to revisit the issue with her colleagues? There was a delayed response to a question that I asked on the matter, indicating that, as a matter of general policy, the Department of Foreign Affairs believes that having an active embassy is a way to bear witness and work with other governments in the region. It strikes me, though, that diplomatic relations confer a level of legitimacy on the Mugabe regime, which its activities against its own people, its brutal beating and imprisonment of the leader of the opposition, its confiscation of legally held land, would violate

every core value Canadians share. Therefore, I ask the minister: Would she be prepared to have the matter considered by her colleagues at the next appropriate opportunity?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Segal is quite right that when he asked this question previously I did take the matter up with the Minister of Foreign Affairs. As Senator Segal stated, he and the department felt that it was still a better situation to be in the country and have the government represented because to not have someone there did not, at the time, seem to make sense in order to keep monitoring the situation and trying to come up with some solutions as to how the government could proceed to deal with this terrible situation. In view of the honourable senator's question today, I would be happy to return and ask my colleague to reconsider his earlier suggestion.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

CHILD CARE SPACES CREATED UNDER GOVERNMENT POLICIES

Hon. Jane Cordy: Honourable senators, as the Leader of the Government said, child care is extremely important and complex. I know that during the election campaign this was part of the Conservative campaign platform. I would like to know how many new child care spaces have been put in place since her government has come to power.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will take that question as notice. As the honourable senator knows, considerable funds have been transferred to the various provinces. If the department is able to answer that question, and I am sure they are, I will be very happy to provide the response.

Senator Cordy: Could the leader also look at what has happened with the creation of business workplace child care spaces?

Senator LeBreton: Honourable senators, we are still hopeful that businesses will create child care spaces. Some businesses have created child care spaces, but I will take that part of Senator Cordy's question as notice as well.

Senator Cordy: Does "hopeful" mean that no child care spaces have been created as a result of that program?

Senator LeBreton: It does not mean that at all. As indicated, I will be happy to forward the honourable senator's question.

• (1415)

There were significant budgetary funds transferred to the provinces, and I will ask the department to ascertain, if it can, exactly how many child care spaces have been provided.

[Translation]

REPORT OF MINISTERIAL ADVISORY COMMITTEE ON CHILD CARE SPACES INITIATIVE

Hon. Maria Chaput: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate concerning early childhood services.

I represent official language minority communities in Manitoba among others. We have still not received an answer from you as to why the government cannot support integrated early childhood services.

Does your government realize that by refusing to support these services it is causing even more harm to official language minority communities?

Children are the most fragile of beings. They deserve respect and to have the services they need. This is about early childhood services and also about the Court Challenges Program.

Several of the questions that you have refused to answer relate to services for francophone minority communities.

Can the Leader of the Government in the Senate tell us whether or not her government will finally address the issue of these services? We have still not received an answer as to why it is not possible to reintegrate them or to set them up.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. She asked me a similar question some time ago and I did provide an answer by way of Delayed Answers.

In the recent budget, we transferred billions of dollars to the provinces through a fiscal balance issue. For anyone to say that this government is ignoring our children and ignoring minority language rights is just false. As Senator Tkachuk said yesterday, "Start a rumour; ask a question." This is the sort of situation we are getting into.

I point out that our government ran on a specific platform. We explained how we would deal with these issues. The Canadian public supported us on that platform, and we are implementing our agenda, not that of the previous government, not promises made, as Tom Axworthy said, like a "deathbed repentance." That is what Mr. Axworthy said about their child care plan.

We were not elected to implement the policies of the previous government, and thank goodness for that when you look at some of the other areas that caused them difficulty. As a member of this government and of this chamber, and as someone who has worked in these areas for a long time, I take great offence that the honourable senator would think that our government has not responded to these matters, because we have.

FINANCE

REVIEW OF COST OF FOREIGN ACQUISITIONS

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for the Leader of the Government in the Senate about the issue of deductibility for foreign loans of Canadian companies.

The public is somewhat confused. The Minister of Finance delivered a budget saying that loans linked to foreign operations "would no longer be deductible." In the last day or so, the Minister of Finance is reported to have said that some of the interest incurred on foreign financing would be eligible for deduction.

[Senator Chaput]

The Leader of the Government knows, as does every member of the government side, that a budget is there to provide clarity so that Canadians can arrange their affairs in an appropriate fashion. That is why clarity of the budget goes to the heart of confidence in the government. It is a question of ensuring that people and businesses understand what they are to do as a result of government action.

• (1420)

The Minister of Finance, on a question that goes to the heart of confidence, said in the budget that these items are no longer deductible and yet is now saying that some are deductible. Which is it?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I noticed that Senator Grafstein was not reading from the budget but, rather, from a newspaper. I cannot respond to everything that is written in newspapers, especially things that may not be factual.

To reiterate what I said yesterday, the minister has said very clearly that he is opposed to tax havens and tax loopholes. He has said repeatedly that we believe that companies must be competitive and also pay their fair share of taxes. I believe most Canadians think that is reasonable.

As I have said previously, officials are discussing this proposed restriction with industry representatives. As a result of these consultations, the Minister of Finance will develop legislation. As the minister said, he will announce his plans shortly.

Again, as the Governor of the Bank of Canada said when he appeared before the Senate committee, one should be very careful about jumping to conclusions before seeing the draft legislation.

Senator Grafstein: Honourable senators, if this newspaper report is incorrect, I assume the minister will not follow what is said in it. The report says that the minister plans to announce his changes with respect to deductibility in Toronto on Monday.

The minister made his announcement in the budget, which goes to the heart of confidence in the other place, and is now about to correct that in some fashion outside of Parliament. That, to my mind, goes to the heart of Parliament. I hope the minister, if he chooses to do that, would correct himself.

The Hon. the Speaker: Order. I regret to advise the house that the time for Question Period has expired.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Milne on April 25, 2007, concerning the coming into force of the Conflict of Interest Act and the Federal Accountability Act.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT—
PROCLAMATION OF REMAINING SECTIONS

(Response to question raised by Hon. Lorna Milne on April 25, 2007)

On April 11, 2006, the Government of Canada introduced the *Federal Accountability Act* and Action Plan to make government more accountable. The Government of Canada delivered on this commitment by passing the *Federal Accountability Act*, which was granted Royal Assent on December 12, 2006.

The *Federal Accountability Act* amends over 45 statutes and creates two new ones making it one of the largest and most complex pieces of legislation in Canadian history. As is common for complex legislation, different sections of the Act will come into force at different times. In passing the *Federal Accountability Act*, Parliament approved the various coming into force provisions that apply to the different parts of the Act. Some came into force at Royal Assent, some will come into force on specific dates and others will come into force at dates to be set out by Order in Council.

The *Conflict of Interest Act*, one of the two new Acts introduced by the *Federal Accountability Act*, and its related provisions will be brought into force on a date set by Order in Council. This date has not yet been set; in order to bring the *Conflict of Interest Act* into force, it is necessary to appoint a Conflict of Interest and Ethics Commissioner who is ready to administer the Act. The Government intends to announce a nominee for the new Conflict of Interest and Ethics Commissioner position in the near future, for consideration by the House of Commons.

Once these steps are completed the Government will be in a position to bring the *Conflict of Interest Act* into force.

In the interim, the current Conflict of Interest and Post-Employment Code for Public Office Holders — which is the most stringent Code ever put in place — remains in effect. This Code includes provisions that have been included in the *Conflict of Interest Act*, such as the five year ban on lobbying for senior public office holders, the banning of “venetian blind” trusts (also known as blind management agreements), giving the Ethics Commissioner the power to impose any necessary measures, and giving the Ethics Commissioner the ability to entertain complaints from the public that are brought to his attention by a member of Parliament.

Complete implementation of the *Federal Accountability Act* and Action Plan will be a long and complex process. Several key implementation activities are currently underway, including the development of several sets of regulations, some of which require significant public consultations; several Governor in Council appointments, some of which require vetting or approval by Parliament; and various other administrative matters, such as ensuring organizational readiness and training.

Each of these implementation activities will require time and resources, and officials are working to complete these tasks quickly and effectively.

The Government of Canada is working diligently to bring the remaining provisions of the Act into force. For example, the President of Treasury Board recently announced the coming into force dates for the *Public Servants Disclosure Protection Act* (April 15, 2007), expansion of the *Access to Information Act* to five Agents of Parliament, five foundations and the Canadian Wheat Board (April 1, 2007); expansion of the same Act to additional parent Crown corporations and wholly-owned subsidiaries (September 1, 2007); new fraud offences in the *Financial Administration Act* with tougher sanctions for those that commit fraud with taxpayers' dollars (March 1, 2007); and amendments to the Canadian Dairy Commission Act, the *Enterprise Cape Breton Corporation Act* and the *National Capital Commission Act* to separate the positions of Chair and Chief Executive Officer of these Crown corporations (April 1, 2007 for ECBC and the NCC and April 27, 2007 for the CDC) to coincide with the expiration of the terms of office of the current Vice Chairperson and Commissioner.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before moving to Orders of the Day, I wish to present my ruling on an appeal to the rules that was made on Wednesday, April 25.

Honourable senators, on Wednesday, April 25, 2007, Senator Banks rose on a point of order respecting membership of the Standing Senate Committee on National Security and Defence. He raised several issues. As Senator Banks recognized, the less serious of his concerns was that the membership change form that removed three senators from the committee on February 27, 2007 without indicating replacements, gave the incorrect name for the said committee and referred to rule 86(4) rather than rule 85(4).

As I make this ruling, honourable senators, I will ask the pages to circulate a copy of the ruling to each of you.

Senator Banks' principal concern, however, was that rule 81(1)(r) provides that the committee is to be composed of nine members. Senator Banks questioned the propriety of removing members without replacements since it effectively reduced the committee's membership from nine members plus the ex-officio members to six plus the ex-officio members.

• (1425)

Senator Kenny spoke in support of this point of order, and Senator Cools then addressed concerns about the membership of committees. The senator suggested that such changes should only be done with the agreement of the senators involved and that changes made by the leaders should not permanently override the decision of the Senate, made when it adopts a report of the Committee of Selection. Senator Hervieux-Payette also participated in debate, underscoring the disruptive effects that

unexpected changes or vacancies can have on the work of committees and inviting guidance about how this situation might be improved.

[Translation]

Finally, Senator Tkachuk suggested that there was no valid point of order. The Senator referred to the *Rules of the Senate*, *Beauchesne*, *Erskine May*, and general Senate practice to argue that the membership of committees can be changed and that the changes made to the National Security and Defence Committee respected normal practice and were in order.

Given the importance of this question, I took the issue under advisement. I thank all Senators who participated in discussion. A consideration of Senator Banks' principal point, that the membership change of February 27, 2007 should have replaced one Senator by another Senator, has led to a consideration of several closely related issues. The specific situation cited by Senator Banks did respect general practice and was not in contradiction with the *Rules*. At the same time, there are several points needing clarification, and it might be appropriate for the Rules Committee to consider them.

[English]

An understanding of subsections (3), (4), and (5) of rule 85 is essential to this issue. Subsection (3) states that, once appointed, a senator is a member of a committee for the duration of the session. The appointment is, however, subject to subsection (4), which authorizes changes of membership by notices filed with the Clerk of the Senate. Subsection (5) specifies that the change of membership shall be made by the Leader of the Government for a government senator, by the Leader of the Opposition for an opposition senator, or by the leader of a recognized third party for a senator who is a member of such a party. In all these cases, the leaders may name another senator, typically the whip, to exercise this authority on their behalf.

Allowing changes in membership during the course of a session provides a convenient way to co-ordinate caucus work. If, for example, a senator is obliged to be away from a meeting for other responsibilities or if a senator who is not a regular member of a committee has particular expertise in a matter under consideration, rule 85(4) provides a way to accommodate these circumstances.

The Committee of Selection has recommended the appointment of independent senators to committees. These independent senators can indicate, in writing, that they agree to accept the authority of either the government or the opposition whip for the purposes of membership changes. This arrangement is entirely voluntary. If an independent senator does not write such a letter, or withdraws it, the rule respecting changes does not apply. Similarly, if a senator withdraws from a caucus, rule 85(4) would cease to apply. In the latter case, that senator would retain any then current committee memberships unless removed, either through a report of the Committee of Selection or a substantive motion, adopted by the Senate.

[Translation]

I will now turn to Senator Banks' concerns. On his first point, the rule number and the name of the National Security and Defence Committee, the changes sent by the whips have at times made reference to rule 86(4) rather than rule 85(4).

[The Hon. the Speaker]

• (1430)

This is most likely due to the use of forms antedating the renumbering of the *Rules of the Senate*. This can be easily corrected. Furthermore, the forms sometimes use abbreviated or incomplete names for committees. This particular form referred to "National Defense (*sic*) and Security," so the intent was clear. The inaccuracies were by no means so egregious as to render the form invalid. As Senator Banks noted, they should be viewed as typographical errors.

The more substantive complaint relates to changing membership by removing a member without designating an immediate replacement. Rule 85 is clear that the leaders do have authority to make changes with respect to their members. Once a change is made, the Senator added is a member for the rest of the session until and unless another change is received.

[English]

Honourable senators, as Speaker, I am bound to interpret the rules and practices as they exist. Whether a requirement for consultation and limits on the duration of a change in membership is desirable is not an issue that can be appropriately addressed in this ruling. Any guidance or changes should come from the Standing Committee on Rules, Procedures and the Rights of Parliament.

[Translation]

Returning to the main issue raised by Senator Banks, the removal of a committee member without making an immediate replacement, this has been a long practice in the Senate, developed since 1983, when the leaders were empowered to make changes to committee membership. During the current session, there have already been at least two dozen such changes, done by both sides.

In some cases the vacancies were subsequently filled, while in others they remain to be filled. Such changes often occurred during previous sessions.

[English]

It will be noted that rule 85(4) simply refers to "a change in the membership of a committee." Removing a member from a committee with the replacement to follow clearly constitutes a "change" in committee membership that fits within the general wording of the rule and this practice has been sanctioned by long use. Again, if there is an interest in the Senate taking a new direction on this matter, the Rules Committee could make the appropriate recommendations.

Since the removal of committee members without making immediate replacements falls within the terms of rule 85(4) and has long been part of Senate practice, it follows that there have been many cases of committees not having the full membership set out in rule 86(1). The general acceptability of this situation is to some degree supported by a ruling of the Speaker of the Senate of May 30, 1991. That ruling stated that, while current rule 85, which was rule 86 at the time, "sets the maximum number of members which a committee may have, the Committee of Selection is not obliged to nominate a full complement of senators for each committee." Since then, some reports of the Committee of Selection have not recommended the maximum number of members.

[Translation]

A committee can function, from the time members are appointed, with fewer members than the number in the *Rules*, provided it has quorum.

This situation is endorsed by the Senate when it adopts the report of the Committee of Selection. Practice has been that a committee can also function if its membership falls below this number during the course of a session, as long as it continues to have quorum. What distinguishes the case Senator Banks raised is not only its duration, but also the fact that the entire membership of one caucus is involved. There is, however, no cut-off point as to how long this situation can last, nor can the Speaker impose one. Furthermore, while recognizing that the permanent withdrawal of all members from one side could alter the operations of a committee, this aspect of the issue is also beyond the authority of the Speaker, as long as there still can be quorum at meetings.

These issues, while important, are not strictly matters of procedure. In conclusion, the removal of certain members from the National Security and Defence Committee on February 27, 2007 respected the practices as they have evolved in the Senate, and was not inconsistent with the *Rules*. The Senators removed on that date, or other Senators from the government caucus, can be added to the Committee by the Leader of the Government in the Senate or her designate.

[English]

As noted, honourable senators, Senator Banks' point of order has brought to light a number of significant points on which clarification would be helpful, but the Rules Committee is the appropriate venue for such discussion. In closing, therefore, I urge that committee to take up these issues.

[Translation]

POINT OF ORDER

Hon. Pierre Claude Nolin: Honourable senators, I rise on a point of order. The question period that just ended was precisely 34 minutes long.

I humbly request that his honour the Speaker give his interpretation of rule 24(8).

The Hon. the Speaker: The Rules state that question period is to last 30 minutes. By my watch, question period lasted 30 minutes, but if my watch is not working properly, I will find another one.

I would like to take this opportunity to point out that we prefer a good exchange during question period. One question may lead to many supplementary questions and this creates a dilemma for the Speaker, as to whether he should interrupt the flow of the debate. I also try to recognize all senators who rise in this chamber so that they may take part in question period.

In any event, Senator Nolin was right to point out that question period is to be 30 minutes long. As for me, I am going to get a new watch.

[English]

Senator Cools: I propose that honourable senators pass the hat for donations so that the Speaker can buy a brand new watch — a Rolex.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. David Tkachuk moved third reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

He said: Honourable senators, I rise today to speak at third reading of Bill C-9. I thank the members of the Standing Senate Committee on Legal and Constitutional Affairs for their hard work in scrutinizing this bill. I would like to thank Senator Jaffer for her participation in ably representing her caucus.

• (1440)

I was not able to participate at the hearings because of the conflicts with the Banking Committee on which I sit. Their schedules often conflict. I do know, however, the committee heard from a variety of witnesses who had differing opinions on the bill.

This bill is a good first step in getting us to a place where, in every instance, the criminal pays a higher price for crime than does the victim. It does not get us all the way there, but it is a good first step.

I believe the committee acknowledges that, at least implicitly, in that in the observations attached to the bill it calls for more study. I can only hope that the results of that study lead to the improvement of Canada's criminal sentencing regime in the future. I am speaking specifically of the commitment in those observations to study the issue of sentencing in Canada more broadly at a future date. Perhaps we will find that a tougher sentencing regime deters more people from committing violent crimes.

I also welcome the committee's willingness, as part of that study, to look at organized crime and how we can make all such activity ineligible for conditional sentencing.

I hope that in their study they will, as well, look at the implications that arise from the serious personal injury aspect of this bill. We need to monitor the progress of this aspect of the legislation carefully to be sure that this section of the bill does not further victimize the victims of crime. I trust that the date for that future study will be sooner rather than later.

In conclusion, the Conservative government is seized with the need to combat crime and to protect victims of crime. The list of bills that we have proposed in this regard speaks for itself. Besides this bill, there is Bill C-10, which imposes graduated mandatory minimum sentences for crimes involving the use of firearms;

Bill C-23, which amends the Criminal Code regarding procedure sentencing and a number of other issues; Bill C-22, which deals with age of protector; Bill C-25, which deals with money laundering; Bill C-19, which is directed at street racing; Bill C-27, which is aimed at dangerous and long-term offenders; Bill C-32, which widens the offence of impaired driving; and Bill C-35, which is aimed at firearms, this time toughening the bail conditions for firearm-related offences.

The Conservative government is serious about combating crime, and Bill C-9 is but one among a number of measures we are taking in that direction. I will be happy to see this bill pass, as well as the other bills that have not yet passed.

Hon. Serge Joyal: Honourable senators, I want to associate myself with the remarks of the honourable senator in commending the work of our colleagues on the Standing Senate Committee on Legal and Constitutional Affairs. I benefited tremendously from the input, wisdom and expertise of members on all sides.

When a bill to amend the Criminal Code is referred to the Committee on Legal and Constitutional Affairs, it has a very serious mandate, and all members of the committee paid attention to the impact of this bill.

As the honourable senator said, this is part of the government's agenda — and I will paraphrase the spin on it — to be tough on crime. It is an agenda to try to create the impression, and probably the reality, that the streets of Canada would be safer and that citizens will have the feeling that they live in a secure environment.

The bill is very short; essentially one page. It is entitled "An Act to Amend the Criminal Code (conditional sentence of imprisonment)."

I would like to share three observations with honourable senators. First, through our study, I personally have concluded there is a lack of information on the real impact of this bill on increased security for our society. Second, there is uncertainty about what will happen under the new sentencing regime. Third, there are ambiguities in the text of the bill.

To reiterate, there is a lack of information on the impact of the bill, uncertainty about the sentencing regime following the adoption of this bill and ambiguity about its interpretation.

I will first address the lack of information on the impact of this bill on the security of Canadians. In other words, will this bill improve the security of Canadians?

Honourable senators, we had the benefit of hearing representatives from the Centre for Justice Statistics, a branch of Statistics Canada, on April 26. They provided members of the committee with 17 charts. The last one represented re-involvement after a sentence has been served.

The document states:

As we can see for these jurisdictions, the proportion of probationers who returned to corrections within the 24 months was a little lower (18 per cent) than for those serving conditional sentence (23 per cent) but the proportions are quite similar.

The proportion who returned to corrections after finishing a sentenced custody was much higher (around 40 per cent).

Those statistics tell us that if a criminal is sentenced to prison, there is a 40 per cent chance that that person will one day be sent back to prison. If the person is sentenced to conditional sentencing, there is a 23 per cent chance that he or she will go back to prison.

This bill removes three specified offences from conditional sentencing. The first offence is that of serious personal injury offence, that is, attacking the physical integrity of a person; the second offence is terrorism; and the third is organized crime.

If we decide that persons convicted of one of the three offences would not be eligible for conditional sentencing, what would we be creating? We will be sending more people to prison. Are we creating more risk that that person, having served his or her sentence in prison, will represent a higher risk of recidivism?

Therefore, society will be more secure while the person is in prison, but as soon as he or she is out of prison, what risk will that person represent to society? According to those statistics, such persons will represent a higher risk. That is what we heard in testimony from the statistician who testified before us on April 26.

Ms. Johnson said:

We can see from this is that they also have higher rates of re-involvement in correctional services than those who only spend their time in community correctional services.

Those are the statistics in general. We have tried to deconstruct those statistics to understand them. The subject is very complex, honourable senators. With the statistics that are presently available we cannot draw a final conclusion on the assertion that I have made that this bill will represent a higher risk for security.

Ms. Barr-Telford concluded:

To be able to answer that directly, we would need to be able to conduct that kind of particular analysis. To date, we are unable to do that.

• (1450)

In other words, we legislate this bill with good intentions — there is no doubt about that, as the honourable senator said — to make Canadian society not only feel safer but, in reality, become safer. However, because of the lack of data, we cannot absolutely conclude that it will happen.

My second point is about the uncertainty that that will bring in the sentencing regime for the three offences I stated earlier.

What will happen in court where a person is accused and found guilty of one of the three offences I have stated? What will the judge do? I will tell you what the judge will be faced with. We put that question clearly to the witnesses in the committee:

... a judge will not have to choose between incarceration and probation. According to this bill, if a person is found guilty of a serious personal injury offence, since the conditional sentence is removed as an option, probation can come after incarceration, but it is not prison or probation, as I understand the way it will work. Am I correct?

The answer we got is the following:

It is not clear from the bill. This was one of the questions that came up when we look at the data. At present, some get a conditional sentence, prison or probation; there are various sentencing options.

In other words, the statistician, or those who have analyzed data on the 17 charts we were presented with, could not conclude specifically on how the court would react to that. There was even an additional question put by Senator Bryden, if I can quote him. Senator Bryden asked:

Do those sections of the Criminal Code allow a judge not to use conditional sentencing but, although the charge would entitle him to imprison the accused for 12 years, not do that but impose a two-year sentence, suspend it and put the person on probation?

Answer from Mr. MacKay:

That is correct. For a serious offence like attempted murder, for example, which has a high maximum sentence, the judge could give a suspended sentence and probation, or could send the accused to jail for two years less a day plus a three-year probationary term. That still remains an option if Bill C-9 is adopted, yes.

Senator Bryden responds:

It seems a little strange to me that you would miss. You say that it is not open to conditional sentencing, which in fact restricts the freedom of the person more than probation does. Yet, for the same crime, the judge is in a position to use probation instead of a 12-14-year sentence.

In other words, there is uncertainty about how the court will react to the use of the sentencing regime. That has been the conclusion of witnesses that have answered and commented on this.

I will read another answer the committee received. I am reading from the April 26 transcript of the committee. Ms. Barr-Telford said the following in response to me:

To predict and discuss the way in which the bill will be implemented, should it be adopted in the future, is difficult — if not impossible — to do at this point in time. We simply cannot answer how that will unfold.

In other words, honourable senators, there is uncertainty about how the regime of sentencing will develop or unfold when those proposed provisions are adopted.

Finally, my last point is about the ambiguity of the text itself. There are two points I wish to draw to the attention of honourable senators. The first one was raised by the Canadian

Bar Association in its April 26 letter to the committee, appearing on page 2 — and I quote: “CBA, Canadian Bar Association section members, have raised potential ambiguities in interpreting this complex clause, especially the term ‘indictable offence.’”

I would refer honourable senators to the brief from the Canadian Bar Association.

There is another aspect of the bill. —The other place amended the original bill to include the offence of organized crime. Organized crime, honourable senators, is a part of the Criminal Code that many senators in this chamber will remember. We had a very extended discussion in this place when we added the organized crime section to the Code.

The organization crime section of the Criminal Code of Canada contains three offences— participation, commission, and instructing the commission of an offence. The amendment that the House of Commons has brought to the bill covers the commission and the instruction of an offence, because it is admissible to 10 years penalty, but not the participation, which is admissible to five years penalty.

It is not clear in the bill, when we define criminal organization offence, if the original intention was to cover the three aspects, participation, commission and instruction, or only two aspects, commission and instruction.

I am not the one, honourable senators, who raised this concern. It was raised by the Canadian Association of Chiefs of Police, in its brief, tabled with the committee on May 2 through the two witnesses we heard from the association. Mr. Brabant, who is an experienced lawyer, states on page 3 of that brief:

We were also interested to note that the Committee did agree that it was appropriate for Parliament to provide guidance to the judiciary under certain circumstances and to send messages.

At page 5 of that brief, it states:

We would therefore like to suggest an amendment that specifically ensures that all “criminal organization offences” as defined in section 2 of the *Criminal Code* be ineligible for conditional sentences.

That is the advice we received from the witnesses.

In summary, honourable senators, with respect to Bill C-9, I agree with the purpose and intention that we should try, when we amend the Criminal Code, to know as much as we can of the impact to the system. The Criminal Code is a serious statute, especially the conditional sentencing provision, which was adopted 10 years ago, in 1996. Today, we have data to evaluate the impact of the conditional sentencing provision on Canadian society. I totally agree. If there are sections or offences that need to be removed from conditional sentencing, then that is something we could consider, with all the information possible, to ensure that the result will not be counter to what we are looking for.

Honourable senators, even with the statistics and information from the various witnesses, we cannot conclude for sure. That is the most objective judgment we can bring from the witnesses we have heard.

That is why, in the report of the committee tabled last Thursday, we have suggested:

Your Committee also expresses its concern about the lack of detailed data on conditional sentences and hopes that the Canadian Centre for Justice Statistics, Statistics Canada, will expand its research to enable us to better understand and evaluate the implications of Bill C-9, and how conditional sentences are implemented in the future.

If there is one lesson, honourable senators, I want to draw from this exercise, it is that this bill is an example of the need for a chamber of sober second thought. The work members on both sides of the committee did in trying to understand the impact of this bill is a testimony to the seriousness and objectivity the Legal and Constitutional Affairs Committee assumed in reviewing this proposed legislation and hence reporting our perception is of this bill — which, as the honourable senator has said, will certainly need to be monitored closely in the future if we really want to know what we are doing when amending a statute as important as the Criminal Code of Canada.

• (1500)

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I have participated in the committee's work and it is important to explain to the honourable senators who did not participate precisely what we did. Senator Joyal has tried to do it. Through my questions, I will try to clarify some points that he raised.

I verified with my colleagues from the other place who participated in the drafting of the amendment that led to Bill C-9. Senator Joyal referred to three offences set out in the Criminal Code with respect to criminal organizations. The MPs wanted to include the three offences; they did not address the fact that the participation offence had a penalty of only five years. I informed them that we had added a comment in our report, but we did not intend to return the bill for this reason, since a future reference to the Code would do.

In order to ensure that our colleagues are not too confused, I will ask leading questions. Let us look at the text of the clause from Bill C-9: a judge finds an individual guilty of an offence. He is about to hand down a minimum two-year sentence and is convinced that this accused person, this individual found guilty, will not put the community's safety at risk. I am summarizing so that everyone understands. This is the situation the judge will be in if the bill passes. Am I correct?

Senator Joyal: Honourable senators, I would like to draw to your attention the response that was given to the committee by Mr. MacKay, in reply to a question that was quite similar to the one Senator Nolin has just asked. I will give an example:

[English]

For a serious offence like attempted murder, for example, which has a high maximum, the accused could receive a suspended sentence and probation, or he or she could receive a jail sentence

of two years less a day, plus a three-year probation term. That remains an option if Bill C-9 is adopted.

[Translation]

In other words, when a person is convicted of a serious personal injury offence as defined in section 752 of the Criminal Code, punishable by a maximum sentence of 10 years, the judge can sentence that person to two years less a day, plus probation. This is still possible under Bill C-9, in recognition of the reality that could still exist when Bill C-9 is adopted.

Senator Nolin: You are getting a bit ahead of me. The judge is getting ready to sentence a convicted offender to less than two years if the judge is of the opinion that the offender would not endanger the community. Can the judge apply Bill C-9? The answer is yes. Bill C-9, which you all have on your desks, tells us that if, on the other hand, a person is convicted of an offence other than a serious personal injury offence as defined in section 752, a terrorism offence or a criminal organization offence, these offences are not covered by Bill C-9. Am I right? The judge has that ability.

Senator Joyal: Of course, because Bill C-9 eliminates the possibility of conditional sentencing. A judge who is faced with an offender convicted of one of these three offences no longer has the option of issuing a conditional sentence. Right now, a conditional sentence is an option, but if Bill C-9 is adopted as is, it will no longer be an option. The bill eliminates one of the avenues the judge can consider in determining the appropriate sentence. As you know, the committee was told several times that a conditional sentence is often more severe and more restrictive than probation. I believe that the committee heard some very convincing testimony about this.

Senator Nolin: In the end, a conditional sentence represents controlled freedom. Instead of being in prison, the offender is at home, but his or her freedom is controlled.

Can you read section 752 of the Criminal Code and tell us which offences constitute serious personal injury offences?

Senator Joyal: Of course, honourable senators. I have the English version. Section 752, entitled "Definition", reads as follows:

[English]

"serious personal injury offence" means

- (a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving
 - (i) the use or attempted use of violence against another person, or
 - (ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage upon another person,

and for which the offender may be sentenced to imprisonment for ten years or more, or

- (b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).

Senator Nolin: Honourable senators will understand that this bill is trying to curtail the options of the judge. Honourable senators have heard a list of crimes for which a judge will not be able to give conditional sentence.

[Translation]

Does the judge still have the option of sentencing the offender to probation? He finds the individual guilty but because that person does not pose a threat to public safety does he have other options beside incarceration? I believe that the answer is yes. Am I right?

Senator Joyal: The answer is a qualified yes. You will remember, honourable senators that, when we asked the same question of the witnesses, we were unable to obtain a definitive answer. And so, honourable senators, I refer you to the presentation by the Bar, on page 2, where it states:

[English]

The term indictable offence includes hybrid offences, such as assault causing bodily harm or assault with a weapon, and so forth.

[Translation]

In the case of hybrid offences, there is a choice. The Crown attorney may make that choice. Since we have eliminated the conditional sentence, the Crown attorney will now have to make a decision. Depending on the plea entered by the accused, he will make a choice regarding the final step, which is the sentence.

• (1510)

There is no doubt that this part of Bill C-9 is subject to interpretation. As I said, the bill is still ambiguous, according to the testimony we heard in committee.

[English]

Hon. A. Raynell Andreychuk: I wish to ask Senator Joyal another question, if he would accept it.

Senator Joyal: I think I am probably beyond the 15 minutes. With the concurrence of the house, I would be pleased to accept your question.

Some Hon. Senators: Agreed.

Hon. Peter A. Stollery: You have 45 minutes.

Senator Andreychuk: I agreed with Senator Joyal on the issue that we should look at sentencing. This is not the first time in the Standing Senate Committee on Legal and Constitutional Affairs — and he and I have been there for a long time — that we have had bills get in the way of studying the issue of sentence reform. As he rightly pointed out, conditional sentencing was put into place some 10 years ago, and it was a new concept at that time. Conditional sentencing was supposed to be a halfway point between incarceration or letting someone out on the street with

minor restrictions. This is what we used to call house arrest. That is, a person is out, but he or she is narrowly confined in what they can do.

We heard from witnesses who said that this approach was both innovative and helpful to our justice system. It relieved the pressures on the incarceration units, and it also allowed for better rehabilitation, et cetera, without interfering with the other sentencing principles that we are bound by in this country. We also heard from defence lawyers that some people wanted conditional sentencing, but when they got the conditional sentencing, they found it even more oppressive than being jailed, obviously because there are some choices. One must abide by that. A person could leave the house, perhaps temporarily one would hope, before the authorities could find them. By and large, I think conditional sentencing is deemed to be for those people for whom the risk does not attach with the same frequency and severity as it would for those who are incarcerated — separate and apart from some very major offences, and we will not go into murder cases.

When Senator Joyal pointed out the statistics, was it not fair that when the witnesses came before the committee, they talked about statistics on conditional sentencing per se, but Bill C-9 was a very narrow band? The bottom line was that the success rate, statistically, looked better on paper for conditional sentencing than for incarceration rates. In other words, people were repeat offenders on a percentage basis more often when they were placed in incarceration. They represent a larger group, whereas conditional sentencing represents a smaller group. That is probably where our risk is taken, but they have responded with lesser offences.

We really do not know everything about people's behaviour, recidivism, level of danger and all those other terms. While we had a good debate, we really could not say that if we gave more people conditional sentences that society would be safer. We simply know that, as a group, which appears to be the case, with the built-in proviso that these are the people with whom we should perhaps take a risk as opposed to the others who are not.

Judges, prosecutors and defence counsel have been weighing in on this issue in what appears to be an appropriate manner. Bill C-9 is a narrow band where the minister said there would be very few cases, but important cases where the judge would not have that option. I would like the honourable senator to comment on that, coupled with the fact that there was some evidence to put on the record that it is difficult to determine how all of these factors are weighed because of the number of plea bargain cases that come before the courts. All of that leads us to the very fine conclusion that we need to know more, and members of Parliament need to know more as we pass bills.

Senator Joyal: Absolutely, honourable senators. I concur with the honourable senator on the recommendation of the committee. We made that recommendation — that is, the honourable senator made that recommendation, as have Senators Nolin and Bryden. When Senator Grafstein was a member of the Standing Senate Committee on Legal and Constitutional Affairs, he also made that recommendation. Over the last 10 years, we have been preoccupied with all those changes in the Criminal Code that have an impact on the sentencing regime, but we have lost the overall picture. As the German psychologists have put it, we have lost the gestalt; that is, the overall system and its impact in real terms.

The honourable senator has asked how we can understand those statistics. I cannot put it better than the conclusion of the Canadian Centre for Justice Statistics, which concludes in this way:

What does this mean? Does it tell us about the effectiveness of conditional sentencing and probation programs? . . . Does it tell us about risk assessment in the awarding of sentences? . . . It is very difficult to disentangle that impact.

That is what I concluded, humbly, with honourable senators today. There is a need to go deeper into the system because the cost of someone serving his sentence in the community is about \$5 a day for the public purse, whereas the cost for a daily inmate in prison is \$142. Those are the statistics that were provided to the committee at the beginning of the week from the clerk of the committee.

There are many impacts of this bill that we need to revise in order to better understand what we are called to do not only with this legislation, but also future pieces of legislation that are waiting on the Order Paper or in the other place for the improvement of the justice system. I concur with the honourable senators on that.

Hon. Francis William Mahovlich: Honourable senators, I would like to ask a question about pedophiles. Over the past years, I have read much about the penalties that pedophiles receive. For example, if a priest was involved, he would be transferred from Saskatchewan to Alberta and that was his only penalty. I think there should definitely be a stricter penalty for pedophiles.

If you pick up *Maclean's* magazine this week, you will see that the penalties are very minor. Does this bill address issues related to pedophiles?

Senator Joyal: The honourable senator raises an important point that we commented on at the committee. The Honourable Senator Andreychuk initially raised this point with Minister Nicholson. I will not put words in her mouth, honourable senators, but she was the first one on the committee to raise the perception that conditional sentences are perceived incorrectly by a large majority of Canadians and the media as being less harsh than sending the person to prison. There is a perception that when something horrible happens such as the crime of pedophilia, punishment is the main preoccupation. The perception is that incarceration is harsher than punishment. Conditional sentencing seems to be a much smoother sentence.

What the honourable senator refers to is a reality, and we have raised it. We have addressed it to a point in our discussion, because it is part of the revision of the conditional sentence regime. As honourable senators will remember, especially those who were on the committee, Professor Julian Roberts and Allan Manson have produced a very important study called, "The Future of Conditional Sentencing: Perspective of Appellate Judges, April 2004." They have reviewed those aspects of how conditional sentencing should be brought to the mind of the judge or the appellate jurisdiction judge in the case of a crime where the aspect of punishment is important to rehabilitation. What is more unacceptable is a person in authority — a teacher or someone occupying a position of responsibility in an institution — who

abuses his or her position with respect to children. That is something that revolts everyone.

• (1520)

There is no doubt that conditional sentencing, as was done by Professor Roberts, needs to be looked at. I hope, as Senator Andreychuk, Senator Nolin, Senator Fraser and others on the committee have indicated, we will review the sentencing regime; it should be a priority.

Hon. Joan Fraser: I wish to thank Senator Joyal and other honourable senators for the very learned discussion we have been having. I agree with a great deal of what has been said.

To come back to the question of the statistics, the committee study of the statistics concerning conditional sentencing brought to mind that old saw about lies, damned lies and statistics. It is not that anyone was lying to us, but it is possible to interpret statistics in many different ways, not all of which will be accurate.

As the Canadian Centre for Justice Statistics told us, it is absolutely true that about 23 per cent of people who receive conditional sentences end up back in the system, probably incarcerated, whereas about 40 per cent of those who are incarcerated in the first place end up back in the system. To go back to the point that Senator Andreychuk was making, they told us explicitly that nobody knows which is cause and which is effect on those two statistics. Is it that conditional sentences are given to people who have satisfied the judge correctly that they are not likely to reoffend, so it is safe to give them a conditional sentence, or is it that people who are given conditional sentences and therefore are not incarcerated — not shut up with hundreds of hardened criminals — are less likely to become repeat offenders?

No one knows the answer to that question. It was very interesting to see the raw data, but the data only takes us so far. We cannot know at this point what the effect of this bill will be.

The second thing that strikes me about this proposed legislation is that, in the end, as in a sense Senator Joyal has suggested, there is much less to it than meets the eye. There will still be conditional sentences. There are just now a few categories in which conditional sentences will not be allowed. As the defence lawyers told us, two of those categories were probably not getting conditional sentences anyway — criminal organizations and terrorist offences. Offences in these categories are such that a judge is not likely in the first place to have given conditional sentences. Personal injury is another category. The defence lawyers had some concerns about that.

Then, as has been pointed out, the judge still retains the option of probation.

How much will actually change with this bill? Is this bill, in fact, even necessary? The only logical argument I can find for it on the basis of the knowledge we now have is that the law should be logical. If we do not believe that people who commit terrorist offences or criminal organization offences should be eligible for conditional sentences, the law should say so. That is an argument that I can accept. I am much less persuaded by the notion that it will help Canadians feel safer. Many things might help Canadians feel safer. Bringing back capital punishment might help some Canadians feel safer — however, I do not think it would be worth bringing back capital punishment on that ground.

It is, in other words, at best an unnecessary piece of proposed legislation. I am not persuaded that the bill is actively bad, but I did want to make the point about the statistics.

Hon. George Baker: I should like to comment on the bill.

I want to congratulate Senator Joyal for his summary, as well as the senators opposite in questioning him concerning what he said. I also wish to put on the record that at the committee we heard the minister speak about the need for the bill, the intent of the proposed legislation. The minister gave examples of terrible crimes that resulted in conditional sentences. During our hearings, we heard of other cases. In one case, a terrible crime was committed where a single mother was used by drug dealers to bring drugs into Canada. It was a first offence. The lady was given a very strict conditional sentence, with many conditions so that she could care for her children at home. The committee heard an example from the minister, where he said: "Here is why the bill should be passed. Here is this terrible crime, and look, this judge gave a conditional sentence so that this person could go to their home." Then we heard just the opposite from other witnesses.

The whole matter boils down to this, honourable senators, that is, it is not the judge alone who makes the decision. There are protections built into the system. When someone is found guilty, a sentencing hearing takes place. In some cases, a judge can demand an independent report be made to the court. The Crown and defence each present their case, and a decision is made by the judge, as Senator Andreychuk knows, and the judge is then required to go through a rather complex checklist. That is a part of the system. The judge listens to arguments and makes a decision based on very firm reasons. The judge is required to do that. If the Crown or the defence is unhappy with the judge's decision on conditional sentencing, either one can go to the appellate court. If a provincial court judge made the decision, one can appeal to the Supreme Court. If the decision came from the Supreme Court, one can appeal to the Court of Appeal. If the decision came from the Court of Appeal, one can appeal to the highest court, the Supreme Court of Canada.

Every judge who makes a decision on conditional sentencing must give reasons. Why is a judge required to give reasons? Honourable senators, a judge is required to give reasons so that they will be there for appellate review. There is only one case, as senators know, where reasons are not given, and that is a jury decision. One cannot appeal a jury's decision, because a jury does not have to give reasons. The only thing that can be appealed in a jury case is the judge's instructions to the jury.

In these cases of conditional sentences, those are the built-in protections that we have. The judge is under strict standards of review in every case, and the standards of review sometimes differ, as senators know, in different sections of the Criminal Code. They sometimes err in law only, sometimes in law and in fact. These are the defences that are built in.

• (1530)

I want on the record that we just cannot blame a judge if a judge makes a decision, as the minister outlined. We have to take the entire process into account to know that our system is working well. The question should be asked at times like this, why do we need a change if it is working very well?

On motion of Senator Tardif, debate adjourned.

[Translation]

BILL TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Stratton, for the second reading of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

Hon. Marilyn Trenholme Counsell: Honourable senators, throughout human history, science and art have often been connected. During my career, I have often spoken of the science and the art of medicine. Today, I will be talking about science and art in the legal system.

Scientific data are now prominent in legal proceedings and can easily influence the course of investigations, interpretations and debates and alter the decision-making process, even in our courts.

Medicine has acknowledged this reality for centuries. The justice system acknowledged it just two decades ago.

[English]

A little history: The RCMP Laboratory in Ottawa opened its doors to DNA analysis in 1989. Lawyers and police took crash courses in molecular biology, forensic technology and population genetics. U.S. lawyers wrote about a DNA war. A regional Crown prosecutor in New Brunswick wrote, "It seemed that all my waking hours were consumed by all of this." The media took great interest:

Forensic DNA analysis involves taking hair, semen, blood, saliva or bone marrow found at a crime scene, extracting the DNA and reducing it to what looks like a bar code found on grocery items. This genetic bar code is typically called a DNA fingerprint, or profile. Geneticists regard the science as so precise that the odds of a DNA match in a criminal investigation being wrong are . . . millions, even billions, to one. It can establish innocence as easily as guilt.

The science of DNA was to the 20th century what fingerprinting was to the 19th century. The first fingerprints were used as evidence to solve the dual murder of two children in Argentina in 1891. The first use of DNA evidence was in the United Kingdom in 1983 when Dr. Alec Jeffreys, a prominent DNA scientist, used DNA to exonerate an individual who had confessed to a crime but was not proven guilty.

In Canada, DNA evidence was first used by the RCMP in Canadian courts at a sexual assault trial in Ottawa, April 1989. DNA confirmed the suspect as the perpetrator.

New Brunswick became the centre of attention, nationally and internationally, when serial killer Allan Legere was convicted on November 3, 1991, by DNA evidence, on four counts of first-degree murder. This was the first time in which the new science of DNA typing was used to obtain a criminal conviction in Canada and was therefore a landmark in Canadian legal history.

Not only in the Miramichi, but across Atlantic Canada, people had been terrorized by Allan Legere, as André Veniot wrote in *Allan Legere: A Look Back, 2006*. People had guns and rifles under their beds while this man was on the run for seven, very bloody months. In that time, he killed four people and sexually assaulted a fifth, leaving her for dead. Citizens young and old were shocked by the sheer brutality, cruelty and savagery of these murders.

Allan Legere became known as “The Monster of the Miramichi.” There were no fingerprints at the crime scene and no eyewitnesses. DNA analysis of semen samples found on Mr. Legere’s rape victims became the foundation of the case. These were matched with a spot of blood from a Kleenex he used to blow his nose and with hair left over from a previous investigation.

Screaming obscenities in the court on more than one occasion, Mr. Legere professed to know more about DNA than his accusers. In the end, DNA won the day and the conviction was upheld in a subsequent appeal. The prosecution referred to one chance in 310 million that someone else would match the genetic codes taken from the semen samples.

Sixteen years later, in the Senate of Canada, we find ourselves contributing to the DNA debate and the advancement of justice through Bill C-18, a bill that has had many predecessors, and which represents a culmination of several other projects of law.

DNA did not make its way onto the floor of Parliament until July 1995 when Bill C-104 was unanimously passed in the House of Commons after only one day of debate. Yet it died on the Order Paper in June 1997. Bill C-104 was reintroduced in September 1997 as Bill C-3 and received Royal Assent December 1998. Subsequently, Bill S-10 was introduced the Senate November 1999.

Bill S-10 included recommendations regarding fingerprints, the inclusion of designated offenders in the military justice system and, most importantly, called for “... a full legislative review after five years to be conducted by the Senate and the House of Commons.”

Bill S-10 received Royal Assent June 30, 2000. Bill C-3 and Bill S-10 were proclaimed June 30, 2000. Four years later, October 15, 2004, Bill C-13 was introduced and received Royal Assent May 19, 2005. Bill C-13 added 172 offences in its amendments to the Criminal Code, the DNA Identification Act and the National Defence Act. It also created a new category of offences where judges would have no discretion, and included all offences prosecuted by indictment, and punishable by five years as secondary offences. Other amendments addressed retroactivity, profile sharing procedures and rules to confirm the validity of the National DNA Data Bank orders. However, only certain parts of Bill C-13 were proclaimed. The fact is that most of Bill C-13 did not come into force due to so-called technical glitches.

Recognizing the need to change Bill C-13, Bill C-72 was introduced November 2005 — election and another death on the Order Paper.

Honourable senators, Bill C-18 was introduced June 8, 2006, to make the changes embodied in Bill C-72, along with other technical improvements. Almost one year later, the Senate is finally turning its attention to this exceedingly important legislation for Canada’s system of justice and for the security of our fellow citizens. I sincerely trust that Bill C-18 will not become the victim of unnecessary delays, nor of another election call. The history lesson is over.

What is Bill C-18? It amends the Criminal Code, the DNA Identification Act and the National Defence Act and chapter 25 of the Statutes of Canada, 2005. Essentially, Bill C-18 deals with 10 categories of change to the above legal documents. The first is retroactivity, including persons sentenced or discharged or found not criminally responsible because of mental disorder, for designated offences committed at any time, including before June 30, 2000. These retroactive designated offences include having been declared a dangerous offender or a dangerous sexual offender even before January 1, 1988; convicted for murder, attempted murder, conspiracy to commit murder, to cause another person to be murdered; conviction for a sexual offence; conviction for manslaughter; and in all cases of the above, currently serving a sentence of imprisonment for that offence.

Second, Bill C-18 will permit the taking of bodily substances for forensic DNA analysis from persons found not criminally responsible on account of mental disorder, for primary designated offences, under the Criminal Code, the Young Offenders Act and the Youth Criminal Justice Act. However, a court may decide to allow exemptions under the Young Offenders Act and the Youth Criminal Justice Act. Similarly, the court may exempt a person found not criminally responsible because of a mental disorder if the impact of such an order would be detrimental to the person’s privacy and security.

Bill C-18 also applies to secondary designated offences under the Criminal Code and the Controlled Drug and Substances Act carrying a maximum punishment of imprisonment of five years or more; and attempts or conspiracies to commit an offence prosecuted by indictment.

Third, Bill C-18 allows an order to be made for forensic DNA analysis up to 90 days after sentencing, if that order was overlooked at the time of conviction. Fourth, Bill C-18 adds attempted murder and conspiracy to commit murder or to cause another person to be murdered, as I mentioned at the beginning.

• (1540)

Fifth, Bill C-18 eliminates the necessity that the person from whom the sample is to be taken must be serving a sentence of imprisonment for two years or more in favour of “still serving a sentence of imprisonment for one of the specified offences.”

Sixth, Bill C-18 allows closed-circuit TV or similar means of communication to be used to facilitate management of cases involving forensic DNA analysis. Seventh, Bill C-18 allows samples to be taken at the place, day and time set by an order or a summons or as soon as feasible afterwards. Eighth, Bill C-18 states that every person who, without reasonable excuse, fails to

comply with a DNA order or summons is guilty of an indictable offence and liable to imprisonment for a term of not more than two years, or an offence punishable on summary conviction. A justice of the peace may issue a warrant for arrest.

Bill C-18 lists as a reasonable excuse for not complying, a person who, under the National Defence Act, is subject to the Code of Service Discipline. Ninth, Bill C-18 mandates that the destruction of bodily substances and details the mandatory conditions for DNA information to be permanently removed from the DNA data bank by the Commissioner of the RCMP. It must be removed if the Attorney General or the Director of Military Prosecutions decides the offence is not a designated offence, and in cases such as acquittal, absolute discharge and conditional discharge.

Bill C-18 enables the Commissioner of the RCMP to communicate internationally information, which may be communicated within Canada to law enforcement agencies or laboratories under subsection 6.(1) of the DNA Identification Act, and outlines in further detail the law concerning communication with foreign law enforcement agencies.

Honourable senators, these are the 10 main categories of change encapsulated in Bill C-18.

As mentioned earlier, certain of these changes apply also to the National Defence Act, for example, retroactivity, not criminally responsible due to mental disorder, results of failure to comply with orders and certain other stipulations.

Senators, those of us who are not lawyers, will be interested in the offences affected by this DNA legislation. However, the following list is not complete. As primary designated offences, I would mention the following: murder; manslaughter; attempt to commit murder; bodily harm with intent by firearm, air gun or pistol; administering noxious substances with the attempt to endanger life or cause bodily harm; overcoming resistance to the commission of offence; assault with a weapon or causing bodily harm; aggravated assault; unlawfully causing bodily harm; sexual assault with a weapon; aggravated sexual assault; kidnapping; robbery, extortion; indecent assault on a female, indecent assault on a male, and acts of gross indecency; use of explosives or other lethal device; participation in criminal organizations; sexual exploitation of a person with a disability; making, distributing, possession of child pornography; luring a child or procurement in relation to child pornography, including via the Internet; prostitution under 18 years of age or living on the avails of such acts; sexual assault; hostage taking; intimidation of a justice system participant or journalist; attack on the premises, transport or accommodation of an internationally protected person or United Nations or associated personnel.

Some secondary designated offences affected by this DNA legislation include the following: trafficking in substance, and possession, importing, exporting for the purpose of trafficking; bestiality in the presence of or with a child; parent or guardian procuring sexual activity; indecent acts; failure to stop at the scene of an accident; criminal harassment, uttering threats; assault including a peace officer; breaking and entering; intimidation; and, arson and setting fire to other substances.

I wish also to mention a number of other important considerations in Bill C-18. First, appeals are allowed either on the part of the offender or on the part of the prosecutor under proposed subsection 487.051(1) to (3). The delegation of responsibility to collect samples, including fingerprints, is covered extensively in Bill C-18, including the training or experience required, the duty to inform, the use of force as necessary.

Certain other requirements are stipulated, such as the necessity to verify whether or not the person's DNA profile is already in the National DNA Data Bank.

The written transmission of information to the Commissioner of the RCMP is detailed in Bill C-18. Any failure relating to the acquisition of forensic DNA material or failure in the transmission of information must also be fully documented. Bill C-18 clearly states that bodily substances taken in execution of an order can only be transmitted to the Commissioner of the RCMP; no other use is permitted. Any person authorized to take samples of bodily substances is protected from any criminal or civil liability.

Errors in procedures reported to or observed by the Commissioner of the RCMP must be referred to the Attorney General for review and decision. Thereafter, a provincial court judge may authorize the taking of additional samples of bodily substance for forensic DNA analysis.

Information in the National DNA Data Bank will be permanently removed after an order is finally set aside; the person is finally acquitted of every designated offence; or, one year after the day on which the person is discharged absolutely; or, three years after the day on which the person is discharged conditionally, if that person is not subject to an order relating to another designated offence, or convicted of or found not criminally responsible on account of mental disorder for a designated offence during that period.

Honourable senators should note that other items on the legislative agenda will affect Bill C-18. Bill S-3, which received Royal Assent on March 29, 2007, will require minor technical changes to Bill C-18. Bill C-7, which is only in first reading at the House of Commons, would necessitate similar changes in the National Defence Act. Bill C-10, which was at the report stage in the House of Commons on May 7, 2007, if given Royal Assent and proclaimed, would necessitate certain other changes.

Honourable senators, 11 months ago on June 8, 2006, Bill C-18 was introduced by the Minister of Justice and Attorney General of Canada. At second reading on October 3, 2006, he stated:

This bill is highly technical. It is necessary, however, to make these technical changes so that we can proclaim former Bill C-13, which was passed in the last Parliament, with all party support.

The minister spoke about the need to pass this bill for many reasons, including the importance of proceeding with a five-year parliamentary review of DNA legislation, which should have begun June 30, 2005, had it not been for the many delays I have outlined.

Honourable senators, I was touched to read that the opposition justice critic singled out greater protection for children provided for by Bill C-13 and Bill C-18, such as Internet luring and child pornography becoming primary offences. The critic also spoke of the urgency for an overall review relative to emerging areas and stakeholders' concerns.

After two days of debate in the House of Commons, Bill C-18 was unanimously referred to committee. The Standing Committee on Justice and Human Rights of the House of Commons studied Bill C-18 for two days and on March 1, 2007, agreed, on division, with one MP reporting against, to report Bill C-18 without amendment. Bill C-18 received third reading on March 28, 2007, in the House of Commons and was passed unanimously.

Honourable senators, I concur with our colleague Honourable Senator Pierre Claude Nolin, who urged us on May 2, 2007, to quickly refer this bill to committee for study involving officials and experts.

[Translation]

There is no doubt that Bill C-18 moves law, justice and the safety of all Canadians forward. This is a very important bill. I am honoured to have had the privilege of participating in this debate. Thank you, honourable senators.

[English]

The Hon. the Speaker *pro tempore*: Will the honourable senator accept a question?

Senator Trenholme Counsell: Yes.

Hon. Roméo Antonius Dallaire: Honourable senators, I sit as a member of the national police services advisory board, which oversees all police services in the country from the RCMP to municipal police forces. One of the areas is the realm of DNA, the laboratories, the work done there and so forth.

In our meetings, we have discussed DNA and the tardiness of bringing about modern legislation to maximize that extraordinary capability. We desire the legislation for the application of justice to ensure that innocent people are not misjudged and pay for crimes they do not commit and to bring to justice those who commit crimes.

The suggestion I would like to raise with the honourable senator, because she has worked on this and pondered over it, is that DNA sampling should be taken from every newborn in the country as well as every immigrant coming into the country.

Does the honourable senator have an opinion as to whether that goes beyond the bounds of reasonableness or, potentially, individual rights?

[Senator Counsell]

Senator Trenholme Counsell: I thank the honourable senator for his question; however that question does not apply to this bill. It is a profound question that deals with technicalities in the administration of certain aspects of the Criminal Code and the other bills, the DNA Identification Act, the Military Justice Act and so forth.

• (1550)

The question regarding storage of DNA from cord blood is in the media. Many Canadians are talking about it. At this point it is at the stage of very personal reflection only. It may be interesting for the Senate to debate this profound question.

We have many issues to debate in Parliament about stem cell research and biogenetics. This matter is different but, in some ways, connected. The DNA issues is a matter of ultimate security and protection and is different from the stem cell debate.

The honourable senator's question is a good one. However, in my opinion, it is not a question related directly to Bill C-18.

Senator Dallaire: I am aware of that. I am trying to push the envelope because I believe that we are fiddling in the margins of a capability that has long been available. We are holding ourselves back by some perspective of encroaching upon liberties of individuals.

This technology can ensure far greater capacity for justice rather than being an encroachment on individual rights. Therefore, I am most supportive of this bill. I hope we push the envelope and that the debate will not stop at this bill but will go much further.

The Hon. the Speaker: There being no further debate, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CRIMINAL CODE**BILL TO AMEND—SECOND READING—
DEBATE SUSPENDED**

Hon. A. Raynell Andreychuk moved second reading of Bill C-48, to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

She said: Honourable senators, I rise to speak to Bill C-48, to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

Corruption, a serious criminal activity, presents challenges to all countries of the world. No country is exempt from corruption activities. It constitutes a serious problem in developing countries, where it creates an enormous obstacle to development and reconstruction efforts.

Canadian businesses face corruption in commercial operations. Institutions engaged in development and reconstruction projects confront it also.

The United Nations Convention against Corruption is the first comprehensive and global anti-corruption treaty. Canada has been a strong supporter of the convention since the beginning of the process. We took an active and leading role during the preparatory stages and the negotiation of the treaty. Since the convention was adopted by the UN General Assembly in October 2003, Canada has provided expertise and financial support to the UN secretariat and to other countries in order to encourage and assist them in ratifying and fully implementing the convention.

While the UN convention is the first comprehensive global instrument of its kind, Canada is already a state party to several regional and more specific treaties dealing with corruption. Canada has been a party to the Inter-American Convention against Corruption, under the auspices of the Organization of American States, since June 2000. We have also been a party to the United Nations Convention against Transnational Organized Crime, which deals with the transnational and organized crime aspects of corruption. As well, we have been a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions since 1998.

Since we ratified these international legal instruments, officials have been actively engaged in supporting them through monitoring activities and the delivery of assistance to other states parties that have requested it.

Canada's ratification of the United Nations Convention against Corruption will be an important and logical extension of its international commitments in the global fight against corruption.

When Canada signed the convention in May 2004, we indicated that we supported the convention, we intended to ratify it, and we intended to be bound by it. The government now wants to ratify it and send a strong signal to all countries of the world. Our message is that Canada recognizes the seriousness of corruption and that we stand united with our fellow member states of the United Nations in our commitment to deal with corruption as a global problem.

Canada supports this convention not only because it will further the cause of assisting other countries in development and good governance, but also because the implementation of its provisions in those countries will help to ensure that development funds contributed by Canadian taxpayers and other donor countries will be used to the full benefit of the developing countries.

The UN Convention against Corruption criminalizes the bribery of domestic and foreign public officials, as well as persons working in the private sector, and of embezzlement in the public and private sectors.

State parties are also invited, but not required, to consider criminalizing trading in influence, abuse of functions and illicit enrichment by public officials.

Apart from the offence of illicit enrichment, which is not mandatory, the other offences established by the convention are, for the most part, already criminal offences in Canada. For example, the offence of bribery of domestic public officials is covered by a series of existing Criminal Code offences, including bribery of judges and members of the federal Parliament or a provincial legislature, section 119; bribery of police, court officers and anyone involved in the administration of the criminal law, section 120; bribery of government officials, section 121; bribery of municipal officials, section 123; and breach of trust, section 122.

With respect to private sector bribery, we have the offence of secret commissions — section 426 of the Criminal Code.

The offence of bribery of a foreign public official is found in the Corruption of Foreign Public Officials Act.

The offence of fraud — section 380 of the Criminal Code — applies to embezzlement in the public and private sectors, and the new offences of fraud against public money in the Financial Administration Act, which were enacted by the Federal Accountability Act, apply to embezzlement by public servants and by directors or employees of Crown corporations.

As required by the convention, we already have offences in place that cover both active and passive bribery. It is a crime to offer or give a bribe to a public official, and it is a crime for a public official to solicit, demand or accept a bribe.

Domestic anti-corruption standards in Canada are already in place to meet the requirements of the convention. However, there is need to make some technical legislative changes in order to comply fully with the requirements of the convention. This is what Bill C-48 is really all about.

Many of the offences of corruption in the Criminal Code come from the common law and were part of our law before the criminal law was first codified in 1892. The scope of some of our present offences must be expanded to fully conform to the convention.

The convention requires us to criminalize both direct bribery and bribery demanded or given through an intermediary. It also requires that we criminalize bribery where a benefit is demanded for, or given to, a third party. Some of the corruption offences in the Criminal Code already expressly meet these requirements, but

not all of them. Case law has interpreted some of the offences that do not specifically provide for bribery through intermediaries and third parties as if they did. The proposed amendments will add the necessary words to these offences in order to ensure that our obligations will be met fully, consistently, and in every case.

The convention also applies a definition of “public official” that is broader than the definition of “official” as it reads in section 118 of the Criminal Code.

The Hon. the Speaker: Honourable senators, Senator Andreychuk, who is the sponsor of this bill, has 45 minutes to speak. There is a house order that the Senate must adjourn at 4 p.m. I want honourable senators to know that Senator Andreychuk has used up only seven minutes of her time.

Debate suspended.

The Senate adjourned until Thursday, May 10, 2007 at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 96

OFFICIAL REPORT
(HANSARD)

Thursday, May 10, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, May 10, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

DYLAN HARDY

CONGRATULATIONS ON WINNING ESSAY PORTION OF TRY JUDGING COMPETITION

Hon. David Tkachuk: Honourable senators, I rise today to pay tribute to a young man from my province and from my home city of Saskatoon.

Last month, the Canadian Superior Courts Judges Association announced that Dylan Hardy, a student at Bishop James Mahoney High School, was one of its three Try Judging contest winners. The contest involved grade 10 and grade 11 students from across Canada who were asked to submit entries — poems, posters and essays — on the role of a judge.

Mr. Hardy, who won the essay portion, and the other contest winners — Miss Cassandra Sellars of Newfoundland, for poetry, and Miss Jocelyn Brock of Oakville, for her poster — along with their teachers, will be in Ottawa next week at the expense of the Canadian Superior Courts Judges Association.

During their visit, they will have dinner at the Rideau Club hosted by Chief Justice Beverley McLachlin. They will tour the Supreme Court of Canada, Parliament Hill and the Museum of Civilization. They will be given special seating during Question Period in the other place, after which they will meet with the Speaker of the House.

Honourable senators, I hope you will join with me in congratulating all of the contest winners and their teachers, Ms. Christine Ivey, Mr. Dave Barret and Mr. Leon Bomok, but please excuse me if I take particular pleasure in the achievements of young Mr. Hardy. He has set a fine example for the youth of my province and I expect to hear much of him in the future.

[Translation]

NATIONAL NURSING WEEK

Hon. Lucie Pépin: Honourable senators, it is National Nursing Week in Canada. I am very pleased to speak about this event, which honours my chosen profession. Beyond a doubt, nurses make a great contribution to the health and quality of life of Canadians.

• (1335)

By using their knowledge and listening to their patients, nurses play a key role in understanding, accepting and treating disease. By being present and offering compassion, they provide a

considerable amount of support when a patient's life has been interrupted by an illness.

Their humanity is unmistakable; it is recognized and appreciated. The amount of confidence the public has in them is proof of that. Our healthcare system, however, faces challenges that complicate the work of nurses. Already affected by the stress of their responsibilities, they are increasingly the object of physical, psychological or verbal violence. Obviously, improved services, decongested emergency rooms, shorter waiting lists and more nurses would improve the relations between disoriented patients and nurses.

Paradoxically, the Canadian Nurses Association revealed yesterday that 15 per cent of nursing graduates will not find a job in Canada. The risk is that those who cannot find jobs here will leave the country to work in the United States, and many of them do. Needless to say, our governments must do more on this front and increase the number of full-time positions in order to retain the nurses who are leaving and relieve the nurses who are working here. The quality of the health care system depends on nursing services.

This year's theme, "Think You Know Nursing? Take A Closer Look.", invites us to look at the varied roles nurses play in our communities.

Nurses' contributions extend beyond their work in hospitals. Nurses serve as part of our Canadian Forces, sometimes in war zones. In fact, yesterday I took part in a tribute by Senator Cook to four nurses who recently served in Afghanistan: Lieutenant Jeff Lee, Captain Odette Rioux, Captain Christine Matthews and Major Vanessa Daniel.

We salute them with respect.

Many nurses are activists. We owe a great debt of gratitude to Lois Scott for the development of telehealth in Canada. Ottawa nurse Jane Brownrigg and her colleagues pressured the city council to adopt a smoke-free bylaw in 2001. Cathy Crowe of Toronto has worked on behalf of homeless Canadians for 15 years.

Nurses work with government, the police and emergency planning officials to make sure our communities are ready in the event of an epidemic or a natural disaster. They are also active in international development.

Launched at the initiative of Nancy DiPietro, the "Give an Hour" campaign enables Canadian nurses to support their colleagues affected by HIV/AIDS in Africa.

I have no shortage of examples, but I am short of time to share more of them with you. Therefore, in keeping with this year's theme, I invite you to take a closer look at nursing and, above all, to support what nurses are doing.

[English]

MENTAL HEALTH WEEK

Hon. Jane Cordy: Honourable senators, today I would like to recognize the Canadian Mental Health Association's fifty-sixth annual National Mental Health Week, which was launched earlier this week and runs from May 7 to May 13.

The Canadian Mental Health Association is using this opportunity to help raise awareness and promote mental health well-being among Canadians. This year's theme is "Work-Life Balance: It's a Matter of Time."

To officially launch National Mental Health Week, CMHA, together with Desjardins Financial Security, released a study of mental health issues and practices within the workforce. The results of this study, while troubling, are not surprising to those of us who have been on the Standing Senate Committee on Social Affairs, Science and Technology and who have studied the issues of mental health, mental illness and addiction.

The study released by CMHA found that 43 per cent of Canadians have had a colleague who has had mental health problems and 34 per cent have had a colleague leave their job because of problems related to mental health. Sadly, of those who leave their jobs for this reason, many do not return to the workplace.

What is even more troubling is that those who suffer from poor mental health, be it long or short term, are still reluctant to seek help. Many are afraid to reveal their illness because disclosure may limit their career advancement or, indeed, may cause the loss of their job.

Our committee recognized that there are many gaps in the research of mental health in the workplace. What we did learn, however, was that disability claims related to mental illness is the fastest growing category of disability costs in Canada.

Honourable senators, according to the Global Business and Economic Roundtable on Addiction and Mental Health, mental illness is costing Canadian businesses \$14 billion a year. This is not something that can be ignored.

• (1340)

Investments in policies to support employees' good mental health and to reduce mental health risk factors in the work place are a must. The payback for the company would be greater productivity and a more positive work environment for employees. This week the Canadian Mental Health Association is focusing on bringing mental health issues in the workplace "out of the shadows."

Honourable senators, we all have a role to play, as family members, as friends, as co-workers, as employers and as employees in recognizing the importance of a positive work-life balance and the importance of making good mental health a priority.

Hon. Marilyn Trenholme Counsell: Honourable senators, I also rise today to offer some thoughts on Mental Health Week. I was reminded to do just this by a front page headline in the *Toronto Star* on May 4, 2007, that read: "Children's Mental Health

Week — ONE IN FIVE children and youth in Ontario struggles with their mental health." In that same issue, I read another article, "Mental illness is still a family secret — Parents are too embarrassed to seek help for kids, survey finds."

In a survey released this week by Kinark Child and Family Services, Ontario's largest children's mental health centre, 38 per cent of Canadian adults said they would be embarrassed to admit their child or teen had a mental illness, such as anxiety or depression. Executive Director Peter Moore of Kinark Child and Family Services said:

With this huge percentage of the population embarrassed to admit, let alone discuss, their child's struggles with mental health issues, we are a very long way from removing this painful and damaging stigma in Canada. There is a sense of blame and families feel responsible and that it is their fault. There is still huge general discomfort. It is an issue that has been in the shadows for generations and generations.

The findings of a study by the Sunnybrook Health Sciences Centre are potentially tragic. Almost 50 per cent of Canadian adolescents aged 15 to 24 who are depressed and suicidal are not accessing mental health services. Dr. Amy Cheung, youth psychiatrist and author of this study commented:

Early intervention is critical to successful treatment. Left undiagnosed and untreated, kids with mental illness or behavioural disorders and focus problems drop out of school or engage in high-risk behaviour such as substance abuse or living on the street. Many are at risk of suicide, which is the second leading cause of death among youth.

The report entitled *Out of the Shadows at Last* reflected the deep concern of the Senate Social, Science and Technology Committee about the capability of Canada's mental health system to respond to the needs of children and youth. We learned about inadequate early diagnosis and intervention, fragmentation of care, under funding, shortage of professionals, insufficient involvement of younger persons and their families in therapy, and so much more.

As many as 15 per cent of Canada's children and youth suffer from anxiety, attention deficit, depression, addiction, neuro-chemical imbalances and other disorders. Equally disturbing is that learning disabilities, anxiety and depression co-exist in as many as one out of ten of our children and youth. At a conference on the subject of learning disabilities entitled "Putting a Canadian Face on Learning Disabilities," hosted by the Learning Disabilities Association of New Brunswick, on April 13, 2007, Dr. Lex Wilson, Director of the Learning Disabilities Institute at Mount Allison University, added to this picture by telling his audience that as many as 50 per cent of children and youth with learning disabilities also suffer from depression.

Honourable senators, a million or more of our youngest citizens are collectively referred to as "the orphan's orphan" within Canada's health care system. One presenter to the Social Affairs Committee said that the greatest omission is the failure to stress the reality that most of the mental health disorders affecting Canadians today begin in childhood and adolescence. It will take a village to change all of this. Parents and children need support in their quest for diagnosis, therapy and help. Parents cannot raise healthy children alone.

Many challenges await us. Sustained early intervention must become our mantra. The failings in Canada's mental health system affect children and youth more acutely and more severely than any other sector of the population. It is imperative that we act aggressively and passionately.

[Translation]

ROUTINE PROCEEDINGS

STUDY ON CANADIAN TELEVISION FUND

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

Hon. Lise Bacon: Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Senate Committee on Transport and Communications entitled: *The challenges ahead for the Canadian Television Fund*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1345)

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the conduct of staff.

With leave of the Senate, and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Senator Furey, leave has been denied. Do you wish to move that it be taken into consideration at the next sitting?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

DIVORCE ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, May 10, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which was referred Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) has, in obedience to the Order of Reference of Thursday, April 19, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table the twelfth report of the Standing Senate Committee on Human Rights, which deals with the United Nations Human Rights Council.

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY CONFERENCE ON NORTHERN DIMENSIONS, FEBRUARY 28-MARCH 1, 2007—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association regarding its participation in the Parliamentary Conference on Northern Dimensions, in Brussels, Belgium, from February 28 to March 1, 2007.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Friday, May 18, 2007, even though the Senate may then be adjourned for a period exceeding one week.

QUESTION PERIOD

FINANCE

ATLANTIC ACCORD— OFFSHORE OIL AND GAS REVENUES

Hon. James S. Cowan: Honourable senators, my question is for the Leader of the Government in the Senate. During the last election campaign, Mr. Harper repeatedly promised to respect the Atlantic accord. He said, in a brochure that was published by the Conservative Party — and I quote: “The Conservative Party believes that offshore oil and gas revenues are the key to real economic growth in Atlantic Canada. That is why we would leave you with 100 per cent of your oil and gas revenues, no small print, no excuses, no caps.”

As we know, the recent budget broke that promise. Now the Public Accounts Committee of the Nova Scotia legislature has been trying, without success, to get Foreign Affairs Minister MacKay, Nova Scotia’s representative in the federal cabinet, to appear before it to explain why the federal budget forces Nova Scotia to surrender the Atlantic accord’s protection of offshore royalties.

Will the leader intervene with her colleague, the Minister of Foreign Affairs, to ensure that the people of Nova Scotia get the explanation they deserve from this government over its broken promise on the Atlantic accord?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question.

Honourable senators, Budget 2007 fully honours the commitment with respect to the offshore accords by allowing Nova Scotia to operate under the existing equalization system for the life of the accord. No changes were made.

Insofar as the honourable senator’s question about Minister MacKay appearing before the Nova Scotia public accounts committee, I understand the invitation was extended to him some time ago. Mr. MacKay had a conflict at the time. He was recently away. We have learned only through the media that another invitation is on its way. The Foreign Affairs Minister will respond when he receives the invitation.

Senator Cowan: The Leader of the Government has said that no promises were broken. Here is what the Premier of Nova Scotia had to say:

After months of “promising to fix the fiscal imbalance” — ‘fix it for a generation’ was the promise — we were given two options: Either keep the accord or give it up in order to gain new equalization dollars.

It was not what we expected after the current prime minister championed our cause when he was in opposition. . . . What we expected was the Government of Canada to live up to its agreement.

What we got was something completely different.

Premier MacDonald went on to say that he does not believe the Conservatives understand how suppressing Nova Scotia’s potential violates every principle behind the concept of the federation. He said:

. . . I will make them understand that the accord was intended as our ticket out of equalization. And I will make them understand that a deal is a deal is a deal.

Why does the Prime Minister continue to contradict the premier and mislead the people of Nova Scotia?

Senator LeBreton: I was thinking that that was a good imitation of Howie Mandel: “Deal or No deal.” The fact is, as the honourable senator may know, for 2008-09, Nova Scotia chose the new system, which will result in the province receiving \$95 million in additional benefits. In March, Minister Flaherty confirmed that Nova Scotia has a full year to revisit its decision to opt into the new formula on an ongoing basis.

• (1355)

Minister Flaherty was in Nova Scotia a week or so ago. He met with the deputy premier and other Nova Scotia officials. The Deputy Premier, Angus MacIsaac, said after the meeting:

. . . the federal budget was an extremely positive document from an infrastructure perspective for the province of Nova Scotia.

That is an additional benefit for Nova Scotia. With regard to the accord, the government lived up to the commitment it made to Nova Scotia, and the province has options to consider, whether to stay with the old program or opt into the new one. They have a year to decide.

FOREIGN AFFAIRS

ATLANTIC ACCORD—OFFSHORE OIL AND GAS REVENUES—PROPRIETY OF MINISTER APPEARING BEFORE NOVA SCOTIA LEGISLATURE

Hon. Lowell Murray: Honourable senators, my views on the equalization issue and the offshore accords are on the record, and are not the subject of my supplementary question.

The problem that arises with regard to any federal minister giving an account of federal policies before a provincial legislature is both an issue for Parliament and a constitutional issue.

I ask the Leader of the Government to share with us the views of the government's constitutional advisers and obtain a considered reply from the government as to the propriety of any federal minister, accountable as they are to Parliament and to their electors, appearing to give an account of themselves before a legislative committee in a province?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that is a very good and valid point. Senator Murray is absolutely right that it is probably not proper for a member of the federal Parliament to answer to a provincial or territorial legislature. I will seek the definitive word on the protocol.

FINANCE

CHANGE TO FORMULA FOR EQUALIZATION TRANSFERS TO PROVINCES

Hon. Wilfred P. Moore: Honourable senators, my question is directed to the Leader of the Government in the Senate. The Harper government has decided to change the formula for equalization transfers to the provinces to one based on per capita rather than the previous adjusted tax points formula. Could the Leader of the Government please explain the government's reasoning for doing so?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as per Minister Flaherty's fiscal balance plan, the decision was made to move to a per capita formula. I will be happy to take this question as notice and will inquire as to why that course was chosen.

Senator Moore: Would the Leader of the Government assure all senators representing the smaller provinces of this federation that she and the government have studied the effects this change in transfers will have on our lesser populated provinces? Will she table the study that must have been conducted by the government to project the effect of the transfer cuts in areas of post-secondary education, social services and health care in Nova Scotia and the other seven provinces that are adversely affected by that decision?

Senator LeBreton: Honourable senators, it should be pointed out that under the new formula all provinces are better off than they were under the old system. How one can conclude that a province that is entitled to more funding under equalization will be worse off is a puzzle to me.

I will take the question as notice and will be happy to respond through a delayed answer.

CHANGE TO FORMULA FOR SOCIAL TRANSFERS TO PROVINCES

Hon. Catherine S. Callbeck: Honourable senators, my question, directed to the Leader of the Government in the Senate, is also on the topic of the Canada Social Transfer. That money goes to the provinces for post-secondary education and social services.

• (1400)

Since 1977, the social transfer has been made up of tax points plus cash, distributed according to a formula that took into consideration regional inequalities across this country. However, that has changed with your last budget and we are now going into

per capita funding. Per capita funding means my home province receives an increase this year of \$7 per person, whereas richer provinces get much more. For example, Alberta residents will get \$102 more and Ontario residents will get \$50 more.

Does the Leader of the Government in the Senate not feel that this per capita funding will widen the gap between the rich and the poor provinces?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I will deal specifically with the Canada Social Transfer. That is the honourable senator's question. If the honourable senator read the Minister of Finance's paper last fall, entitled *Advantage Canada: Building a Strong Economy for Canadians* and studied the budget closely, she would see many areas in the budget where provinces will benefit. In addition to the Canada Social Transfer, where provinces and Canadians will benefit greatly, there is the ecoENERGY Renewable Initiative, funding for infrastructure, direct payment of families for children under the age of six, assistance for disabled and payments for victims of hepatitis C. The government has undertaken a whole host of programs to assist Canadians.

With respect to the Canada Social Transfer, with Budget 2007, the Canadian government has brought forward a fair and principles-based fiscal package that balances the interests of all provinces and territories and allocates Canada's social transfer cash on an equal per capita basis. It ensures equal support for all Canadians no matter where they live and ensures equal treatment of all provinces and territories. The strengthened equalization program, together with the move to equal per capita cash, returns fundamental fairness in fiscal arrangements.

Senator Callbeck: The leader may think this per capita approach is fair, but when one considers the tax point values, there is absolutely no way it is fair. Right now a tax point in Alberta is worth \$310 per person. In my home province of Prince Edward Island that tax point is worth \$129 per person.

Under this new plan, Alberta will receive an increase in the cash portion of that transfer of roughly \$4 million, compared to Prince Edward Island, which will receive \$1 million.

It is obvious that this per capita funding does not take into consideration regional inequalities and disparities that exist across this country. I do not know how the leader can call this policy or this drastic change to per capita funding fair.

Senator LeBreton: Honourable senators, as I mentioned in my earlier answer, our government recognized the entire issue of fiscal balance, which is the first time any government had done so, it certainly was not recognized in the past. All provinces and territories will receive more funding and transfers this year and each year into the future, including these investments. The federal government will allocate \$2.1 billion more over the next two years in equalization. There will be an \$800 million increase for 2007-08 in post-secondary education, rising by 3 per cent each subsequent year. We will allocate \$16.3 billion on infrastructure and \$250 million per year to provinces and territories for child care spaces. We will transfer \$3 billion over seven years to labour market training and \$1.5 billion to Canada ecoTrust for Clean Air and Climate Change.

• (1405)

If the honourable senator is suggesting that somehow or other the people of Prince Edward Island will not benefit from all of these programs, I suggest that some people there would disagree with her.

FISHERIES AND OCEANS

COAST GUARD—ACQUISITION OF ICEBREAKERS— DEEPWATER PORT IN THE ARCTIC

Hon. Bill Rompkey: My question is for the Leader of the Government in the Senate. Before the 2006 election, the Conservatives made several promises regarding Arctic sovereignty. They included three new heavy naval icebreakers capable of carrying troops, and they also promised a new combined military civilian deepwater docking facility in the Iqaluit region.

The May 2006 budget made no mention of either the icebreakers or the deepwater port. In May and June 2006, I asked the minister why these promises had not been kept. It is now a year later and the promises still have not been kept.

The March 2007 budget made no mention of either the icebreakers or the deepwater port for the Arctic, but the Arctic icecap continues to melt at an alarming rate. There will be an increase of foreign traffic through the Northwest Passage and throughout the Arctic, yet we have no real or effective presence there.

In regard to the deepwater port, this week we heard from fisheries executives from Nunavut. Recently, when a Canadian naval vessel was in Nunavut, the personnel from their vessel had to disembark by a rope ladder and travel to shore in small fishing boats. Two budgets have come and gone, with no delivery on promises made almost two years ago.

Why has the government broken its promises to the people of the Arctic when the government is awash in cash? Why has the government broken its promises to deliver adequate icebreakers and a deepwater port for the Arctic?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, we have not broken any promise in connection with the icebreakers in the North. For the first time, the government has made commitments to the North which they intend to keep. The Minister of Fisheries and Oceans and the Minister of Defence are both committed and working hard together on the issues of the deepwater port in Nunavut.

The honourable senator has asked about the icebreaker issue before. I did respond in a delayed answer as to the timeline with which the government is working. Senator Rompkey cannot say that we have broken promises in regard to our election platform, which got us elected in January 2006 and we were sworn in during February 2006. When all of what we have already done in a little more than a year and two months is considered, the honourable senator cannot say that commitments we have made are broken

promises, when we still have a considerable length of time in our mandate to complete our work in accordance with our election platform.

NATIONAL DEFENCE

CFB GOOSE BAY— PROMISE OF BATTALION AND SQUADRON

Hon. Bill Rompkey: Honourable senators, I have a further question on the subject of Arctic sovereignty. In May 2005, Defence Minister Gordon O'Connor promised a new rapid reaction army battalion of 650 regular force personnel and a new squadron of long-range unmanned aerial craft for Goose Bay.

While still in opposition, Stephen Harper wrote to Premier Danny Williams that a Conservative government would establish a new rapid action army battalion for Goose Bay. On September 30, 2005, O'Connor told *The Evening Telegram*:

Military officers follow orders from the politicians. If you're not getting any action it's because the Minister of Defence and the Prime Minister have not done anything.

In government it was a different question. On February 12, 2007, MGen. M.J. Ward told the House of Commons:

There really hasn't been any specific action taken on the Goose Bay initiative.

On February 15, 2007, when O'Connor was asked about the commitment, he said no decision had been made and that he was trying to work out the details — so much for politicians telling the military what to do.

Minister O'Connor began making promises to Goose Bay in May 2005. It is now May 2007. For two years, Minister O'Connor has done nothing. The government is stringing along a remote northern community that is increasingly fearful of its future.

• (1410)

I ask again: Why have the promises to Goose Bay of a battalion and a squadron and those to provide icebreakers and a deepwater port to the Arctic not been fulfilled?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I will not remind the honourable senator of some of the infamous promises made by the government of which he was a part that were never kept. By the way, I would hope that the honourable senator is not reminded of what he intended to do with Goose Bay.

As I have said many times before, I will not respond to speculation and stories in the newspaper. Suffice to say that the Prime Minister and the Minister of National Defence have stated quite clearly that this government will keep CFB Goose Bay open and viable. We know this was not the position of the previous government. This is a commitment that this government made and it is a commitment that we intend to keep.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— REGULATIONS ON MANUFACTURE OF CHEESE

Hon. Mira Spivak: Honourable senators, according to the Dairy Processors Association of Canada, the Minister of Agriculture has introduced a policy that will cost Canadian consumers \$250 million more for cheese, make low-fat cheese far more difficult to produce and be disadvantageous to Canadian cheese producers internationally. There was no consultation with retailers or consumers, and many others, in regard to regulations that will be in place next month that will define the percentage of full-fat milk that various types of cheese must contain.

Cheddar cheese, for example, would require 83 per cent full-fat milk, an amount you cannot find in cheddar even from the Village of Cheddar in Britain's Somerset County, not to mention the environmental problems posed by disposal of whey that cheese producers, until now, have used to make the low-fat products that Canadians are demanding.

It may be that the political clout surrounding the Dairy Farmers of Canada is not without justification. However, to cushion the blow they received from the WTO with this proposal that will reduce the healthy choices Canadians can make is, in my opinion, not the best choice.

My question for the Leader of the Government in the Senate is: Why was this chosen as a way of addressing this problem?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. When she mentioned "cheddar," I was reminded of the name of the Prime Minister's latest cat. Being a cat lover, I was happy to hear that he now has three of them.

In answer to the honourable senator's question, the Canadian Food Inspection Agency has undertaken a regulatory process based on the recommendation from the moderator of the Dairy Industry Working Group, which will further harmonize federal regulations and clarify the ingredients which may be used in the manufacture of cheese.

The process will include consultation, which I understand was one of the problems, with the stakeholders. The Canadian Food Inspection Agency has already met with the stakeholders to discuss the moderator's recommendation and to advise them of the intention of initiating the regulatory process.

As requested by the CFIA, the Dairy Processors Association provided an impact analysis regarding proposed compositional standards for cheese. This submission, along with others received during the consultation process, will be taken into account. I wish to assure Senator Spivak that all submissions will be considered.

The Canadian Food Inspection Agency will conduct an overall cost-benefit analysis as it is a key part of the regulatory process. As I mentioned previously, the Canadian Food Inspection Agency is receiving input from stakeholders on the proposed scope of the regulations as they relate to standards for the manufacture of cheese. Minister Strahl is expected to announce a decision in the very near future.

• (1415)

Senator Spivak: I thank the Leader of the Government in the Senate for her answer. Not to put too fine a point on it, a way will be found to use whey in the Canadian way.

Senator LeBreton: That is very clever. I hope there is a way to be found.

FISHERIES AND OCEANS

COAST GUARD—REDEPLOYMENT OF ICEBREAKERS

Hon. Terry M. Mercer: Honourable senators, I am tempted to return to the debate on accords, but I will leave that for another day. It will be interesting to see how Senators Comeau, Oliver and Cochrane vote on the budget and then go back to Newfoundland and Nova Scotia.

The captain of the *Louis St. Laurent*, Stewart Klebert, sent an email on April 20 to the Minister of Fisheries and Oceans, Minister Hearn, and copied it to several MPs and the Commissioner of the Coast Guard. In the email he questions the validity of moving Coast Guard ships from Dartmouth to Argentina, calling the reasons for the move "extremely weak rationale."

Captain Klebert referred to the 1997 study which Canada's growing-old government is using as its own rationale for moving the ships to Newfoundland. He noted that the same 1997 study found good reason for keeping the vessels in Halifax Harbour.

Captain Klebert said:

It has been my experience that many of the studies conducted will tell you exactly what you want to hear.

In the written response of April 17 to my question on this subject, Canada's growing-old government notes that the first priority of the Coast Guard was to inform the staff and workers of the decision, thus the plan could not be included in draft versions of the business plan; that has since been added.

Honourable senators, it is extremely weak to use workers as an excuse for hiding the plans of this government and covering up the fact that this move is purely political to save their three Newfoundland federal seats because of Atlantic Canadians' disgust over the government's betrayal on the issue of off-shore accords.

Will the Leader of the Government in the Senate assure honourable senators that Captain Klebert will not be admonished or arrested — like people yesterday in the Department of the Environment — for speaking the truth? When will Canada's growing-old government reverse this decision which even their own captains think is ludicrous?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I was thinking I would get Senator Rompkey involved in helping me answer this question. I provided the honourable senator with an answer to this matter previously. The fact is that this government accepts its responsibility to all citizens in this country, no matter where they live. We are attempting to deal with a host of issues.

In terms of the Coast Guard and the military, there is a great deal of work to be done in refurbishing and rebuilding the military. I do not agree with the premise of the honourable senator's question. I have forgotten the words used. We are making decisions based on the best interests of the military and people in the country, no matter where they live.

SENIORS

APPOINTMENTS TO NATIONAL SENIORS COUNCIL

Hon. Terry M. Mercer: Honourable senators, it seems that the legislation to protect whistle-blowers will not come into effect as the open, transparent and accountable government itself begins to fall victim to whistle-blowing.

Honourable senators, Canada's growing-old government has become good at sleight of hand tricks that keep their Conservative friends happy. More examples of this new open, transparent and accountable government include an announcement on May 3 of the appointment to the National Seniors Council. While the council was a good idea — I like the idea to help our Canadian seniors — what concerns me is the positive attitude with which the Secretary of State for Seniors lauds the openness of the process saying the members were selected through a public recruitment process held in March.

• (1420)

I do not recall having received a notice of any intention to appoint people or a call for nominations or even a newspaper ad informing the public of these posts. I may be wrong, but I am sure many honourable senators have not seen such a notice either. I have checked with some of my colleagues in the other place and they tell me that they have not seen anything either.

There was one sentence in a press release of March 5 that directed people to the government appointments website. One sentence in an obscure press release seems hardly open to me. I know my 87-year-old mother did not have an opportunity to go to the website and put forward her name, as she should have.

Can the leader show us other documents, newspaper articles or letters that were used to inform people of the open process, or will she print up something later, now that it seems her hand is once again caught in the cookie jar of old Tory tricks?

The Hon. the Speaker: Honourable senators, the time allotted for Question Period has expired.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Nancy Ruth, for the second reading of Bill C-48, to amend

the Criminal Code in order to implement the United Nations Convention against Corruption.

The Hon. the Speaker: Honourable senators, just to recall, Senator Andreychuk opened second-reading debate yesterday. She used only five of the 45 minutes open to her; she has 40 minutes remaining.

Hon. A. Raynell Andreychuk: Honourable senators, I did start yesterday, hoping that His Honour's watch had not been repaired and that I would be able to finish. I assure honourable senators that I will not take 40 minutes.

As honourable senators recall, Bill C-48 amends the Criminal Code in order to implement the United Nations Convention against Corruption. I enumerated the Criminal Code sections that already have some aspects of anti-corruption measures. I went on to indicate that this convention, by and large, follows what Canada has already in place but ensures fully that we are in compliance with the convention.

The convention requires state parties to have measures in place to enable the confiscation or forfeiture of property used, or destined for use, in the commission of offences established by the convention. These offences include offences of bribery of domestic public officials, and of foreign public officials. This requirement is not yet fully met by Canada.

The Criminal Code currently provides for the forfeiture of offence-related property, but only if it is related to an indictable offence under the Criminal Code itself. That includes offences of bribery of domestic public officials, but not the offence of bribery of foreign public officials. Bribing a foreign public official is an offence in Canada, but the offence is included not in the Criminal Code but in a separate statute, the Corruption of Foreign Public Officials Act. As a result, the provisions dealing with the forfeiture of offence-related property do not presently apply to the offence of bribing a foreign public official. The proposed amendments will make these provisions apply to the offence of bribery of foreign public officials under the Corruption of Foreign Public Officials Act. In other words, the Criminal Code will be consistent with the Corruption of Foreign Public Officials Act.

Honourable senators, these are only a few of the elements of the convention that require legislative action on our part. The convention mostly establishes requirements and sets standards that Canada already meets. Once this bill is passed, Canada will meet all the necessary requirements of the convention and will be in a position to become a party to the convention. We will then become a full member of the Conference of States Parties, which will monitor the implementation of the convention.

With that in mind, I should like to note other key obligations Canada will be entering into when we become a state party.

The United Nations Convention against Corruption follows the pattern of other crime treaties developed in the United Nations. These recognize that domestic and transnational crimes are primarily a matter for national legislatures and national courts but that international co-operation is needed to investigate and prosecute cases. As well, the convention recognizes that international assistance is needed to help developing countries

establish national laws and enforcement mechanisms to combat crime in their own countries and to co-operate with other parties to the treaty when asked to do so.

As a comprehensive global instrument, the United Nations Convention against Corruption covers all these areas. As I mentioned earlier, states that ratify or accede to the convention are obliged to have anti-corruption offences to meet the standard of the convention — and we are taking measures to do so in Bill C-48. States must also ensure that they have adequate laws and institutional capacity to investigate and prosecute these offences. As well, they are required to co-operate with each other. This means that, in cases with transnational elements, Canada will be able to extradite accused persons and provide mutual legal assistance to the law enforcement agencies of other states parties where the necessary legal and Charter requirements are met in each case. As a party, Canada will also be able to make similar requests from other states parties.

The convention sets minimum standards only. Our existing treaties, agreements and arrangements, especially with countries where we have a large volume of cases — for example, the United States, the United Kingdom and European countries — generally have higher standards. These bilateral agreements will remain in effect. The convention does ensure that all corruption offences are covered and it extends international co-operation within the scope of the convention to the states parties where no co-operative arrangements have existed until now.

The convention also requires states parties to ensure that they have effective regimes to prevent and combat money laundering related to corruption offences. Canada already meets and exceeds these requirements.

The convention also includes measures for the recovery and return of proceeds derived from corruption. This was a very important issue for many developing countries. The convention breaks new ground in setting standards and calling for the return of such assets, and Canada both meets and supports these new requirements. Canada's legislation already allows for the return of proceeds of crimes to an innocent third party. The innocent third party can be the requesting state in the case of corruption involving public funds. As well, Canada will provide legal assistance to give effect to an order of forfeiture issued by a foreign court of criminal jurisdiction.

The convention also requires states parties to take measures to prevent transfers of proceeds of corruption offences. These measures include requirements that financial institutions report suspicious transactions. Such reporting requirements are already in place in Canada.

Finally, the convention requires states to take preventative measures to share information about corruption, to train their own officials and, where possible, to provide resources and expertise to help train experts and officials in other states parties that need such assistance.

Concerning technical assistance and exchange of information on corruption issues with other states parties, I am pleased to say that Canada has already provided such expertise and assistance,

even though we are not yet a party to the convention. We have also taken an active role in establishing the conference of the states parties, even though we could only participate as an observer because we have not yet ratified the convention.

• (1430)

As well, we have made substantial contributions in resources and expertise to the UN Secretariat and the Conference of State Parties to start this process. We are also actively engaged with the conference in efforts relating to the gathering of information necessary to determine where and on what specific aspects of the treaty assistance is needed. This information will enable us to develop a comprehensive assistance strategy in which Canada's efforts will be coordinated with those of other donors. Coordination will maximize the effectiveness of our efforts.

Canada is also active, with other interested parties, in developing a better understanding of information needs as the global effort against corruption progresses. This understanding will enable us to begin assembling the necessary information ourselves, and to assist other states parties in developing their own capacity to gather and analyze information about corruption. In turn, that information will inform and support the parties' anti-corruption efforts and ensure that all parties are able to meet information-sharing requirements in the future.

In order for the convention to be effective, the Conference of States Parties will develop a mechanism to improve the capacity of parties to achieve the objectives of the convention and to review its implementation. In other words, the parties will be kept accountable for the commitments they make in joining the convention. Canada will be an active participant in that process as it evolves.

I believe this convention has the potential to contribute to lowering the level of corruption in all states that commit to live by its standards; and it will be the cornerstone of more efficient, effective and accountable international development assistance.

Canadians can be assured of the role that Canada has played so far. The convention has 92 states parties signed on; a further 48 states, including Canada, have indicated their intent to ratify by signing the convention. Honourable senators, Canada needs to support this worldwide effort against corruption, which is in effect, the convention's prime intent.

Honourable senators, in conclusion, I would be remiss if I did not point to the Standing Senate Committee on Human Rights report, *Promises to Keep: Implementing Canada's Human Rights Obligations* and the report that we recently filed on the Convention on the Rights of the Child, where we point out a comprehensive approach to international treaty making. It would be my hope that there would be no time delay between the signing and ratification, except that which is necessary for parliamentary involvement.

It is time that we limit the time gaps in our international treaty making. I am pleased that we are using Bill C-48 as a compliance mechanism for the United Nations Convention against Corruption. I think we could do better in the treaty making, but I believe that by putting Bill C-48 in place, we will go a long way in being in compliance and in a position to ratify this treaty.

Hon. Lowell Murray: Will the sponsor of the bill accept a question or two?

Senator Andreychuk: Certainly, if I am able.

Senator Murray: This bill would be enacted under the criminal law power of Parliament. Can the honourable senator satisfy my curiosity as to why there is a separate section on municipal corruption? I see that the federal and provincial officials are covered in the early part of the bill, but that there is a separate section on municipal corruption. Why is there a separate section?

Senator Andreychuk: I do not have my copy of the Criminal Code with me, I am sorry. I was prepared for that yesterday, but I will certainly get back to the honourable senator with the answer.

My recollection is that we have had pieces of legislation in various places. The convention is trying to put it together in a routine way. We were talking about the term “public officials” in the convention and some of the sections within Bill C-48 are trying to bring consistency from within the Criminal Code for all officials. That may be the case; however, I did not bring the Criminal Code.

I apologize to the honourable senator and I will get back to him with the answer. I certainly would invite him to come to the committee when we explore these issues in depth.

The intent of all of the amendments is to bring them in line with the convention and to have some consistency between them. There was a variance between municipal and other governments, as I recall.

Senator Murray: I appreciate the invitation honourable senator. I believe there is a conflict with another committee. I thank her for the answer, although I notice that the definition of “official” is a person who (a) holds an office; or (b) is appointed or elected to discharge a public duty. I would have thought that covers the waterfront of all the orders of government. In any case, she will look into that question.

While the honourable senator is at it, I would like her to place on the record — as soon as she can find out, or before third reading, — what the extent of the consultation has been with the provinces, which are responsible for the administration of justice.

Finally, again to satisfy my curiosity on this matter, “suppression of the truth” is one of the offences under the municipal section. I do not see it explicitly referred to under the federal and provincial sections. Could the honourable senator undertake to find out whether we take a more relaxed view of suppression of the truth at the federal and provincial level than at the municipal level?

Senator Andreychuk: Again, there is no intent to direct any different standard at the municipal level; it is equal. The difficulty comes in the development of how the Criminal Code and these separate acts came about.

It is my understanding that there have been consultations with all necessary parties including consultations with people from development assistance and private organizations. There have been consultations and we will be exploring that in the committee.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I would like to present the position of the official Opposition regarding Bill C-48. As Senator Andreychuk put it so well, Bill C-48 is an act to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

Senator Andreychuk explained very clearly the impact of this bill and the United Nations Convention against Corruption. She also reminded us that this convention came into effect in December 2005 and that 89 countries have already ratified it.

Although Canada already meets many of the requirements of the convention, a few technical amendments are necessary to ensure the implementation of this international agreement and to enable us to apply it.

The Criminal Code must be amended, first of all, to redefine the notion of “official” to include any individual “elected” to discharge a public duty, second, to specify that corruption offences can be committed either directly or indirectly, and third, to grant the court the authority to seize or confiscate offence-related property.

I think that, essentially, Bill C-48 amends the Criminal Code so that, in the event of corruption, we may deal with public officials more severely.

• (1440)

As a member of the official Opposition, I am very pleased to support this bill and thus work constructively on implementing this initiative, which aims to eliminate corruption among public office holders.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

[English]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Andreychuk, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy, for the third reading of Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), as amended.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, it is unfortunate that Senator Ringuette is not in the chamber today because it would appear that her bill will pass in her absence. However, I rise to speak to Bill S-201, which proposes to amend the Public Service Employment Act to eliminate bureaucratic patronage and the use of geographic criteria in the appointment process.

There is little doubt that the issue of regional areas of selection has been at the top of Senator Ringuette's agenda since she came to the Senate seven years ago.

Currently, a job notice for a clerk in Prince Albert might specify that the applicants must live in Saskatchewan, or a competition for a carpenter in Moncton might be limited to persons living within 100 kilometres of that city. Senator Ringuette's bill proposes to make these jobs open to all Canadians, regardless of where they live.

In principle, I do not object to what Senator Ringuette is attempting to accomplish through her bill. It would be preferable that, in general, federal public service positions be open to all Canadians, regardless of where they live, through the use of the national areas selection. Increasingly, the technology is available to make that happen.

In particular, the introduction of a new web-based recruitment and screening tool, known as the Public Service Resourcing System will make it easier to electronically sift through the large number of applications that will follow the introduction of a larger pool of potential applicants. The Public Service Commission is gradually rolling this system out in tandem with its expansion of national areas of selection. Progress is being made.

A little more than one year ago, in April 2006, all officer-level jobs open to the public and located in the National Capital Region were made subject to national area of selection. On June 30, 2006, the Public Service Commission launched a pilot project to implement the use of national areas of selection for all officer-level jobs that are open to the public in certain federal organizations in the provinces of Alberta and Quebec.

On April 2, 2007, the Public Service Commission extended the use of national areas of selection to include officer-level positions open to the public in all regions of Canada. Officer-level positions include scientific and professional, administrative and technical functions. This provides the Canadian public with greater access to federal public service job opportunities, even if the positions are located in a different city or province than the applicant's place of residence.

[Translation]

Honourable senators, I support the underlying principle of this bill but I have reservations about how it is drafted.

I spoke about my concerns at report stage and so I will mention them briefly in order to not waste the Senate's time.

First, it does not contain a coming into force provision, which means that it will not have an opportunity to implement it gradually.

[English]

While recent years have seen significant progress in eliminating regional restrictions, we are told by the Public Service Commission that this is proving to be easier said than done. This is why they are proceeding on a step-by-step basis, rolling out national areas of selection gradually.

My second concern is that the bill provides little or no flexibility. At times, such as when there is a short-term need that must be filled immediately, it might make more sense to hire locally than to engage in a time-consuming national search where the successful candidate might hem and haw about relocating for a short-term, lower level job. A manager would be tempted to get around this by calling a temporary help agency, likely at a greater cost than hiring directly, with the result that much of what this bill seeks to gain would be lost. While this is hindsight, perhaps during committee study we should have requested the officials to prepare a cost-benefit analysis before we proceeded to clause-by-clause consideration of the bill. I would encourage members of the other place to seek out such an analysis. In committee, I moved an amendment to provide some degree of flexibility but, unfortunately, a sub-amendment watered it down.

My third concern is that the definition of "bureaucratic patronage" is left to the regulations. Few would dispute the principle that merit should be the basis for hiring in the federal public service and, indeed, this is a matter of law under the Public Service Employment Act. As well, the existing law also says that hirings must be free of political interference. However, what exactly does the term "bureaucratic patronage" mean? There is no preamble, just a sentence in the bill to say that hiring must be free of bureaucratic patronage.

While we have a general idea of what Senator Ringuette is driving at, as she focused in committee on favouritism and the hiring of family members for summer jobs, Bill S-201 is not that precise. Honourable senators, the reality is that even though it is flawed, Bill S-201 will pass in this place because the opposition majority has the numbers to pass it.

[Translation]

I sincerely hope that our colleagues in the other place will pay particular attention to possible improvements and that, if they decide to adopt Bill S-201, they will first amend it.

The Hon. the Speaker: Are honourable senators ready for the question? Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

• (1450)

[English]

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, for the second reading of Bill C-293, respecting the provision of official development assistance abroad.
—(*Honourable Senator Segal*)

Hon. Roméo Antonius Dallaire: Honourable senators, I am not sure if I should call this a point of order or a point clarification. I am going through the rules trying to figure out the terminology, but I notice that Bill C-293 has been adjourned again. There is, to me, an implication that we are avoiding bringing this bill to debate, as the honourable senator on the other side never seems to be there, when, in fact, possibly we could move it. I am looking through the process as to whether that can be raised as a point of order within this chamber.

The Hon. the Speaker: The last time this item was before us, the Senate adopted a motion that the item would stand adjourned in the name of Senator Segal. It was done properly, so it is adjourned in the name of Senator Segal. However, it is the practice of the house that any honourable senator who wishes to speak to this item can rise and speak to it.

Hon. Fernand Robichaud: If I may, the process of standing is the same as an adjournment motion, so an adjournment could still be refused at any time, could it not? The idea is to help debate move along.

Hon. Anne C. Cools: Honourable senators, my understanding is that standing is a continuation of an adjournment, but, at the same time, I have always been led to understand and have always followed the practice that if another senator wants to take the floor from the senator who is holding the adjournment, he or she, usually politely, asks that senator to yield, and then can rise and speak. At the end, the order falls back to the senator who yielded; otherwise, it would have little meaning in that a senator could not adjourn and go away and return a day or two later and be able to carry on the debate. That is my understanding, and whenever I ask for the floor or take the floor, I always ensure that I obtain the agreement of the senator in whose name the order is standing.

His Honour was just saying it is the practice that senators will yield to others, as a matter of courtesy and so on, but the real courtesy is that the senator who wants to speak will also inform the other senator that he wants him to yield the floor.

Senator Dallaire: My query in this is that I am left with the impression that we are seeking to avoid debate of a bill versus trying to launch or move debate.

If it is an impression that is left, is that a point that can be, in fact, raised in the chamber, or is that inappropriate in the process?

Senator Cools: I am quite sure that some senators are very busy. For example, right now, I am working on four or five different

speeches, and I am holding the adjournment of a few debates. That is in no way an attempt to block anyone else from speaking. What one does not want is another senator to take over the debate and allow it to come to a vote, or something else.

The system must respect the fact that a senator is holding an adjournment. The rule refers to an amount of time of 15 days; sometimes a matter will go to 15 days. I try to keep the time shorter than that. It depends on the complexity of the issues. Some of these matters seem terribly simple at first blush, but when you start to work on them, they are remarkably difficult. Unless a senator is deliberately trying to be obstructionist, which is relatively rare among senators, one should assume that the individual senator is doing some work on the question and is planning to rise as soon as he or she is ready to speak.

Senator Dallaire: I thank honourable senators for their assistance.

Order stands.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Donald H. Oliver moved second reading of Bill C-277, to amend the Criminal Code (luring a child).—(*Honourable Senator Comeau*)

He said: Honourable senators, I am happy to rise today to speak to this bill. This bill is similar in many ways to two private member's bills that I had introduced some time ago, dealing with a stand alone anti-spam bill to punish, among other things, those people who send fraudulent, indecent or pornographic materials to the email addresses of infant children and using that as a way of communicating to lure them.

Regretfully, both of my private member's bills on this important legislation languished and died in committee. I am especially pleased today to speak to this bill, which is designed to protect children from luring.

The bill is a private member's bill that arose in the other place, and it is an act to amend the Criminal Code, luring a child. It was introduced by Mr. Ed Fast, the member of Parliament from Abbotsford.

Bill C-277 is straightforward. It contains one clause, which amends section 172.1(2)(a) and (b) of the Criminal Code, increasing from five to ten years the maximum penalty for luring a child. It also sets the maximum penalty for a summary conviction at 18 months. This would bring the maximum sentence for luring a child in line with other similar sexual offences in the Criminal Code.

The meaning of luring a child is found in section 172.1(a) to (c) of the code. It involves an adult communicating with a child, using on-line communications for the purposes of a range of sexual crimes.

No doubt many of us will recall the debate when this section of the code was put in place in 2002 as a response to rapid growth of the Internet and the accompanying threat that children could be lured into dangerous situations through the use of on-line computer systems.

Honourable senators, there have been numerous convictions under this section of the code since it became law, some of which have resulted in prison terms of up to three and a half years. However, even when the court is faced with a repeat offender under the current law, the maximum sentence that may be handed down remains at five years.

Let us compare this particular offence with other similar Criminal Code offences that carry a maximum sentence of 10 years or more. Some of these include: Interference and touching for a sexual purpose; exposing a child to bestiality; incest; sexual assault; and, distributing child pornography. For the purposes of consistency, we need to remember that only two child sexual exploitation offences carry a five-year maximum sentence. These two offences relate to child pornography where contact with a child, a potential victim, is not part of the offence.

Therefore, the 10-year maximum on indictment and 18-month summary conviction for an offence of luring a child put in this bill is consistent with how we treat other child sexual exploitation contact offences in the Criminal Code.

This underscores the frightening truth that the risk of physical contact between an adult and his or her victim is very real. Typically, a relationship of trust is established through an on-line communication, and then it is exploited.

Through my work on the anti-spam legislation, I have become familiar with how easily families and children, in particular, can be exposed to unsolicited email with pornographic or fraudulent content. Email addresses can be harvested from Internet chat rooms, potentially putting unsuspecting youth at risk. This potential danger to our children is a fact we need to recognize as we consider this bill.

• (1500)

I wish to quote another parliamentarian, Mark Warawa, on September 29, when he said in the other place — and I quote:

However, it is the direct contact that is made between the predator and the victim via way of the Internet, where a relationship of trust is created for the sole purpose of exploiting the young person and betraying his or her trust, which escalates this behaviour above that of an attempt and puts it onto a level with that of the other child sexual exploitation offences.

With this understanding in mind, we recognize that currently, at the sentencing level, there is a difference between how we treat luring a child and other similar offences, a difference that this bill seeks to correct.

In our examination of Bill C-277, it is also helpful to consider how other nations deal with sentencing for luring offences. Most other nations, honourable senators will see, have much higher penalties for these types of offences. In the United Kingdom, for instance, the maximum sentence is 14 years in prison; in Australia, it is 15 years in prison. In the United States, federal legislation provides for a mandatory minimum of five years, with a maximum of 30 years.

These examples are particularly useful either because the legal systems of these countries closely resemble our own or because, as is the case with the United States, we share a border that can be

easily crossed by pedophiles who may want to meet with children they have contacted through the Internet. In these cases, the evidence is clear: Our penalties for luring a child are much less severe than they are in the other nations that are similar to ours. Some have argued that the result is that Canada is now viewed as “a pedophile haven.”

What about the incidence of luring? Is it something that warrants our attention? Sadly, Internet luring is far more widespread than we would like to imagine. According to an Ipsos Reid study from November 2000, 20 per cent of Internet users between the ages of 12 and 24 had face-to-face contact with people they had first met over the Internet. Another study of that year, from the United States, showed that 19 per cent of youths had been sexually solicited over the Internet. In my view, that is a shocking statistic. I repeat, honourable senators: 19 per cent of youths have been sexually solicited over the Internet.

On March 22, Staff Sergeant Mike Frizzell, who is with Strategic and Operational Support, National Child Exploitation Coordination Centre, Royal Canadian Mounted Police, told the House of Commons Standing Committee on Justice and Human Rights that — and I quote:

Luring is rampant because of the anonymity of the Internet, which provides offenders from anywhere in the world the opportunity to solicit numerous children at the same time without leaving their own homes, that is, until they make contact and have set up meets. Age, sex, and location are always the first questions asked, allowing offenders to identify viable targets.

He was speaking in the context of Bill C-22, which raises the age of consent, a bill that is still in the other place. However, the point is applicable to our discussion. Luring is a widespread problem in need of our attention.

To give a simple illustration of how Internet luring actually works and its impact on people's lives, I should like to draw honourable senators' attention to Cybertip.ca, a program of Child Find Manitoba. Cybertip.ca is a useful tool in the fight against Internet-related sexual offences. I would like to quote from a success story posted on the site — and I quote:

A mother in Ontario contacted Cybertip.ca through the toll-free number after she learned that her fourteen year old daughter had been conversing with a thirty-five year old male on the Internet. The mother found evidence on her child's computer that the male suspect had been sending her child pornography images. A Cybertip.ca analyst conducted various searches, added value, and verified the information provided. The report was then referred to Kingston Police Services. Upon further investigation, it was discovered that the child had been conversing online with other adult males and had been sexually assaulted by a male out of Pennsylvania. This male was arrested and charged with four different counts relating to this case.

Honourable senators, this is what we are up against in the struggle to combat Internet luring — seemingly invisible predators who are able to slip into our homes and take advantage of those who are among the most vulnerable members of our society, our own children.

I urge this chamber to send Bill C-277 to committee so that we may more fully examine some of the crucial issues around luring a child and how to treat this offence in our Criminal Code.

Technology is constantly evolving, as is our use of this technology. We must be ever-vigilant in our approach to protect our children and ensure that the Criminal Code provides adequate tools to get the job done.

Hon. Art Eggleton: Honourable senators, I also rise to support Bill C-277, which amends the Criminal Code based on another amendment to the Criminal Code that was passed by the Chrétien government in 2002. At that time, the rising concern about luring children over the Internet in terms of sexual purposes was beginning to become apparent enough that some amendment to the Criminal Code was necessary.

At that time, the maximum penalty was set at five years. The problem has grown substantially over the last five years, since that legislation was put into effect. The suggestion now is that the maximum penalty should be doubled, to 10 years. I think that makes sense, because it clearly would send a message that luring is an abhorrent behaviour, a behaviour that neither this community nor this country will accept. It will certainly send to the judiciary a signal that we consider this behaviour to be a very serious matter.

I shall not speak at great length about this, because it can be dealt with further in committee, but there is one report from which I should like to quote. The report comes from the Media Awareness Network, an Internet-education organization established by some of the leading companies in this country — Microsoft Canada, Bell Canada, CTV, CanWest Global, Rogers Cable. The big communications companies have gotten together and put this not-for-profit Media Awareness Network together.

They have said that Canada's leading Internet-education organization shows that Canadian youth are among the world's most active Internet users, with 80 per cent having regular access at their home. More than half use the Internet with little or no supervision. Twenty-five per cent of young Canadian Internet users have been asked by someone they have only met on the Internet to meet face to face; 15 per cent have gone to meet an Internet acquaintance face to face; and almost two in 10 of this group went to these meetings alone.

As honourable senators can see, the percentage may seem small, by the time you get down to that last line, but it still represents a lot of young people, and the situation is very dangerous. This bill warrants passage at this second-reading stage. The bill will then be sent to the committee that I chair, where, hopefully, we will have the MP in and we will be able to further explore it at that point in time.

Hon. Anne C. Cools: Would the honourable senator take a question?

Senator Eggleton: Yes.

Senator Cools: I should like to thank the honourable senator for his intervention and to note that there may be some colleagues here who do not know that Senator Eggleton was the mayor of a major Canadian city for some period of time, my city, Toronto, and that he has a lot of knowledge.

• (1510)

The honourable senator said that, under Mr. Chrétien, a bill was passed, but that since that time the problems have worsened, or words to that effect.

Has the senator any evidence of what is happening in our communities that causes these problems to worsen? I am sure the honourable senator will recall many of the terrible incidents we had in Toronto.

Senator Eggleton: The main statistic I used was from the Media Awareness Network. The problem is that there is greater use by young people of the Internet. Studies by this not-for-profit organization have shown that more than half of young people use the Internet without supervision. That provides people who try to lure youngsters for sexual purposes an opportunity to communicate directly with them. Parents should be providing much more supervision. However, that being said, we do have a significant number of these incidents.

The organization that Senator Oliver quoted has done some national studies. They provide statistics by province. One of the biggest increases has been in Ontario. These statistics indicate that these incidents are on the rise and that the amount of unsupervised use of the Internet has risen significantly as well.

Senator Cools: I have come to understand that the mental or psychological deficits of some of these offenders are not easy to cure and they have a tendency to persist in those behaviours.

Has the honourable senator gleaned any information on this from his research?

Senator Eggleton: It is important that we send the message that we consider this crime to be very serious. Doubling the penalties sends that message. Every case is different and the court will still have discretion as to how each case is handled, although, in our discussions on Bill C-9, we will consider limiting those discretions. I do not think that is advisable, but that is another matter.

The courts do have discretion in these cases. Increasing the maximum penalty sends a clear message that this is an extremely serious matter.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Oliver, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

HUMAN RIGHTS**BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Human Rights, (budget—study on Canada's international and national human rights obligations—power to hire staff), presented in the Senate on May 8, 2007.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: I move the adoption of this report.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE**BUDGET—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on domestic and international financial system), presented in the Senate on May 8, 2007.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein: I move the adoption of this report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on interprovincial barriers to trade—power to travel), presented in the Senate on May 8, 2007.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein: I move the adoption of this report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**BUDGET—STUDY ON STATE OF EARLY LEARNING AND CHILD CARE—REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on child care) presented in the Senate on May 8, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: I move the adoption of this report.

Motion agreed to and report adopted.

BUDGET—STUDY ON LITERACY PROGRAMS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on literacy) presented in the Senate on May 8, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: I move the adoption of this report.

Motion agreed to and report adopted.

BUDGET—STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on cities) presented in the Senate on May 8, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: I move the adoption of this report.

Motion agreed to and report adopted.

BUDGET—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on population health) presented in the Senate on May 8, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: I move the adoption of this report.

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT**BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON USE OF ABORIGINAL LANGUAGES IN SENATE CHAMBER—FIFTH REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (budget—study on aboriginal languages—power to travel), presented in the Senate on May 3, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: I move the adoption of this report.

Motion agreed to and report adopted.

• (1520)

FISHERIES AND OCEANS**BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK—REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Fisheries and Oceans (budget—release of additional funds (study on the federal

government's new and evolving policy framework for managing Canada's fisheries and oceans)), presented in the Senate on May 3, 2007.—(*Honourable Senator Johnson*)

Hon. Bill Rompkey: I move the adoption of this report standing my name.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on National Security and Defence (budget—release of additional funds (study on the national security policy of Canada)), presented in the Senate on May 3, 2007.—(*Honourable Senator Kenny*)

Hon. Colin Kenny: Honourable senators, I move adoption of the report standing in my name.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I wonder if Senator Kenny would accept a couple of questions.

First, could he advise the amount of the budget that he is requesting?

Senator Kenny: The total amount of the budget being requested is \$957,360, less the \$223 already approved.

Senator Comeau: \$957,000, roughly, less the \$220 that has already been approved. Could the honourable senator advise as to the intent of the spending of this money?

Senator Kenny: Yes, I would be happy to. The committee is currently engaged in a study dealing with first responders, as well as a study dealing with port security, and it is also looking at the question of the collection of international intelligence. The first two reports are continuations of previous reports, and the second one is a relatively new one that was begun about four months ago.

Senator Comeau: Recently a meeting was held whereby there was a request made that the deputy chair might not be from the government side. My understanding is that the committee members voted against the possibility of having a government member as deputy chair; am I correct?

Senator Kenny: No, the honourable senator is not correct.

Senator Comeau: Who then became the deputy chair?

Senator Kenny: Senator Atkins became the deputy chair.

Senator Comeau: I think I phrased my first question as directly as I possibly could, which was that it was a government-side member who became the deputy chair. Am I not correct in saying that the deputy chair is an opposition-appointed member?

Senator Kenny: There was a government member in the person of Senator Tkachuk who was nominated and he withdrew his name before there could be an election, leaving only one candidate. The government member was nominated and then

voluntarily withdrew his name. I cannot be held accountable for that.

Senator Comeau: Correct me if I am wrong, but I understand there was a more recent meeting whereby the issue of a replacement for the deputy chair was discussed at committee and that the decision was made by the group at that time, and obviously it was a democratic vote with the highest numbers winning. I understand the idea of having a government-side member as deputy chair was rejected by the committee members; am I wrong?

Hon. Lowell Murray: Is it a fact that Senator Atkins was elected as deputy chair and for him to be replaced would require his resignation, which has not been forthcoming?

Senator Kenny: If I may, I will take the questions in order. The first answer is: No, the honourable senator is not correct; there was no meeting of the committee discussing whether there would be a government deputy chair. In fact, we have had a successful experience with a government deputy chair who handled the job skilfully. The committee welcomed the government deputy chair. The committee was richer for having that. There absolutely was no discussion whatsoever of that and where the honourable senator got that information is beyond me. The honourable senator is welcome to check with the records. We keep records of our meetings. That subject has not come up in a single meeting our committee has had when I have been in the chair, and I have been in the chair for all of the meetings.

As for Senator Murray's question, he is quite correct that Senator Atkins has not resigned. Therefore, there is not, at this moment, a vacancy.

Senator Comeau: I think the question from Senator Murray was that a resignation from the current deputy chair was requested and that apparently he refused.

Is it correct that a request for his resignation has not been made?

Senator Kenny: I have no reason to ask for anyone's resignation for anything. I am the chair of the committee. I preside over the elections.

An Hon. Senator: The clerk presides over them.

Senator Kenny: The clerk does not; I preside over that election. I have not asked for anyone's resignation. I do not think it is my place to ask for anyone's resignation.

Hon. Anne C. Cools: I understood the honourable senator to say that he believed or understood that Senator Atkins' resignation was asked for. I wonder if we could have some clarification as to what Senator Comeau meant. Who would have been asking? It is not the business of the chairman to be seeking resignations from a democratically elected chair. I do not know. He is fielding questions. Maybe I cannot answer the honourable senator's question. I would like to know on the record who was asking whom for what. In other words, I would like for this record to show who was asking or wanted to ask Senator Atkins for a resignation.

Senator Kenny: The honourable senator is asking me questions beyond my competence. I know no one who has asked Senator Atkins to resign. Certainly it has not taken place at any committee meeting I have chaired.

Hon. Terry Stratton: I would like to take a look at this budget. I would like to go back, because this is a substantial budget that includes what has been previously approved: A senior military adviser; a military adviser for enlisted personnel; a full-time national security adviser, which is a new position; a senior intelligence and national security adviser; a writer-editor-researcher; a communications consultant; clerical assistance, and it says miscellaneous. That is a total of about eight people.

In addition, I have learned — and I think the chamber should know — that there are four full-time Senate staff working for this one committee. That is a total of 12 people who work for this committee.

This budget includes a full-time national security adviser, which is a new position that we never had a chance to discuss in the subcommittee on budgets because we did not approve it at the time. We left it for this stage.

• (1530)

Would Senator Kenny give honourable senators an explanation as to the nature of the role of this full-time national security adviser? Does he have someone in mind? If so, who would that be? Did he interview just the one person or did he actually go out and solicit resumé from several people?

Senator Kenny: First, I have to tell my friend opposite that there was ample opportunity to discuss this issue, both in the subcommittee, which I went to twice, and in the full committee, where we discussed this position at some length.

In terms of the specific question, is there someone in mind? No. Have resumé been solicited? No. We have not been voted any funds for such a position and therefore, it seems precipitous to proceed with a hiring process because this chamber will decide whether such a position will exist. The very idea of going forward and soliciting resumé, or suggesting that there is a position when this chamber has yet to approve it, seems to me to be inappropriate and imprudent.

Senator Stratton: That is a nice way of not answering the question.

What will this person do? Senator Kenny has eight people, plus outside experts, advising him, plus four full-time staff. Tell us what this person will be doing.

Senator Kenny: Before Senator Stratton came back into the room, I discussed the work that we are doing and the work we hope to do in the future. As I am sure the honourable senator is aware, we have been holding hearings with members of the intelligence community to deal with an issue that was troubling to the previous government, and is on the agenda of the current government. The issue has to do with the collection of foreign intelligence. At present, the CSIS Act prohibits the collection of foreign intelligence, and there is an active debate in this town as to whether the act should be amended to provide for “a full-service intelligence capability.”

As my friend opposite knows, we have the very capable Communications Security Establishment but we do not have a robust human intelligence collection capability. Once we crossed that issue, we encountered the question as to where such an establishment should be lodged. A school of thought believes it should be lodged in CSIS. Another school of thought is that it is more appropriately placed in some conjunction with DFAIT. Yet another school of thought suggests it should be placed in a separate place, which I believe merits consideration.

Finally, there is some value in considering where and how an agency of this sort should focus. We must also consider the other ancillary issues, such as stovepipes that would affect cross-communication from one agency to another.

Inasmuch as none of the members of this committee have had any experience in the intelligence community, and since none of the members of this committee are knowledgeable on the subject, we are endeavouring to ensure that we have people who do have experience to assist us in our deliberations.

That has been a very successful formula in the past. The people Senator Stratton referred to, who are our other advisers, have been the people who have helped make our reports successful. I cannot stress enough the value of the military advisers, who work on a part-time basis. Anyone looking at their remuneration will realize that we are getting a terrific deal and that they have contributed substantially to the quality of the 19 special studies of this committee.

Senator Cools: They are very good studies; excellent studies.

Senator Kenny: Thank you.

Our hope is to maintain the quality of those reports and to do that it is important that we have people who are knowledgeable in the area who can assist us in interpreting what frequently is a rather arcane vocabulary and concepts that sometimes are very new to us. We have tried for six years to get this sort of resource in the library, but the library has had neither the funds nor the capacity to hire people to work with such resources.

The Hon. the Speaker pro tempore: I regret to inform the Honourable Senator Kenny that his time has expired.

Senator Kenny: I move the question.

Senator Tkachuk: I move adjournment of the debate.

Senator Kenny: No.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Will those honourable senators in favour of the motion please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those honourable senators opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it.

It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Furey, that the fifteenth report of the Standing Senate Committee on National Security and Defence be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: In my opinion, the yeas have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Please call in the senators. There will be a 30-minute bell.

• (1610)

Motion adopted on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|--------------------|
| Banks | Kenny |
| Biron | Lovelace Nicholas |
| Callbeck | Mahovlich |
| Cook | Mercer |
| Cools | Milne |
| Corbin | Mitchell |
| Cowan | Moore |
| Dawson | Munson |
| De Bané | Peterson |
| Downe | Poulin |
| Eggleton | Sibbeston |
| Fairbairn | Stollery |
| Furey | Tardif |
| Hays | Trenholme Counsell |
| Hervieux-Payette | Zimmer—31 |
| Hubley | |

NAYS THE HONOURABLE SENATORS

| | |
|------------|------------|
| Cochrane | Nancy Ruth |
| Comeau | Oliver |
| Keon | Stratton |
| LeBreton | Tkachuk—9 |
| Massicotte | |

ABSTENTIONS THE HONOURABLE SENATORS

| | |
|---------|------------|
| Adams | Murray |
| Dyck | Prud'homme |
| Meighen | Watt—6 |

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Downe, for the adoption of the fifteenth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on May 3, 2007.—(*Honourable Senator Stratton*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study on the effectiveness of Canada's promotion of democratic development abroad—power to hire staff), presented in the Senate on May 1, 2007.—(*Honourable Senator Stollery*)

Hon. Peter A. Stollery: I move the adoption of this report.

Motion agreed to and report adopted.

BUDGET—STUDY ON EVACUATION OF CANADIAN CITIZENS FROM LEBANON— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study on the evacuation of Canadian citizens from Lebanon in July 2006), presented in the Senate on May 1, 2007.—(*Honourable Senator Stollery*)

Hon. Peter A. Stollery: I move the adoption of this report.

Motion agreed to and report adopted.

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS
AND INTERNATIONAL TRADE COMMITTEE AND
REQUEST FOR GOVERNMENT RESPONSE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, that the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.—(Honourable Senator Stollery)

Hon. Peter A. Stollery: Honourable senators, I would like to say a few words about the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade on Africa. This intervention is somewhat overdue. A couple of years ago I spoke about the importance of the Doha Round to Africa and that sort of thing.

First, I would like to thank the people who worked so hard to make our Africa report such a success. If success is determined by the number of people who have been interested in reading it, I want to tell honourable senators that we have had, at last count, 4,417 downloads in English, 1,161 in French, as well as 1,200 paper copies.

To give honourable senators an idea of the continuing interest in the subject, in the last month, downloads have increased by 1,500. It is a subject of continuing interest.

I want to thank Senator Corbin, who instigated and pushed for this study over the last several years. There was no resisting him, and he finally got us into it. It has been a fruitful and satisfying business.

• (1620)

I should also like to thank members of our staff. As honourable senators may or may not know, the committee took two field trips to Africa. The first trip included Senator Corbin, Senator Mahovlich, Senator Downe and Senator Di Nino, who was a tower of strength in all of this. We were joined by Senator Andreychuk when we travelled to Ethiopia, the Eastern Congo and Western Congo.

I cannot emphasize how hard these people worked. The best example is this: We kept telling people that the committee heard from 200 witnesses — which is true. That is the number of witnesses we had in Ottawa. Then we realized that the committee would hear from another 200 during our travels. We sometimes travelled in armed convoys. The UN forces in the Congo provided helicopters with snipers.

In the very area where we travelled extensively, Bukabu to Goma, about 1,000 people a day were being murdered. We visited a clinic in Goma — a most moving experience — where only one operation is carried out, that is, to repair the vagina of girls who have been raped. We did not know the clinic's function prior to our arrival, where we were cheered by women. As I said to some of our colleagues, these poor and unfortunate women should have been throwing rocks at us.

We continued on to the western Congo. One has to understand that there is no road system uniting the east and the west in the Congo. Although the Congo is not two countries, it is certainly two different places. Friends of mine have commented that I always talk about Kibu, or the eastern Congo. In my own mind, I separate it from Kinshasa, western Congo. It is because they are such different areas. You can only travel from one area to the other by riverboat or airplane.

Our staff was tremendous. Mr. François Michaud is the committee clerk. I do not have to tell anyone here how much work is involved to organize this type of endeavour. Peter Berg was tremendously useful in writing our report. Mark Sorbara, who is the personal assistant of Senator Di Nino, was terrific. He had studied Africa, was filled with ideas, and was excellent. He was mugged in Chad — I believe it was — on his way to join us.

We left the western Congo and travelled to Nigeria, where Senator Andreychuk joined us. We then went to Mali, and then we came back.

I would describe the first field trip as an on the ground trip, to see the geography. For example, we visited a cotton farm in Mali. In that day, we travelled approximately 240 kilometres outside of Bamako. In Africa, 240 kilometres is not very much, but nevertheless it gave members of the committee an idea of what people have to deal with in carrying merchandise from one place to another.

On the second field trip, we were joined by Senator De Bané, Senator Dawson and Senator Smith. Allison Goody, who is now going on to do better things, was our terrific researcher. Ms. Goody is an elegant writer, along with Peter Berg. David Murphy from my staff also joined us.

The second field trip was onerous, because we held hearings everywhere. As I said to Ms. Goody, you may want to come back to Africa because you may want to see it other than at four o'clock in the morning in an airport as you are leaving for some distant place.

I also wish to thank some of the people who met us. I arrived in Dakar at 2:30 in the morning, after having been on the airplane for 12 or 13 hours; I will never forget the cheerful people who met me there. It was not an easy business, but the only way it could be done was to cover some of the geography of this enormous area.

We went to Dakar, Cape Town, Johannesburg, Pretoria, Nairobi, and then consulted with our aid partners in Copenhagen, The Hague and London.

Again, thanking people who helped us complete this large, two-year project, I also want to thank Senator Segal. He did not come to Africa, but he was instrumental in helping us get our

report through the system here in the committee. He was a very good companion here in Ottawa, very helpful, and I thank him for it.

The whole experience was amazing. When something is done right, there are all kinds of little accidents that happen. You cannot plan them. You do not know the changes that will take place that, for one reason or another, make things better. That is what happened with our Africa report.

The report is self-explanatory; it does not need much explanation from me. I reread our report, *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*, last night, in preparation for my remarks today. The report speaks for itself.

The views expressed in the report are not particularly the views of the committee. It was not us who said — and I quote:

Corruption alone costs Africa \$148 billion a year. Obasanjo, the leader of Nigeria, said that since independence, African leaders have stolen \$140 billion from their people. If these leaders can invest one-half of that loot in Africa, things will turn around.

We did not say that. Those comments — which are quoted in our report — were made by an economics professor, Mr. George Ayittey. Mr. Jay Naidoo of the Development Bank of South Africa said, “Corruption has two sides to it, where did Mobutu put his stolen money?” We did not say that. Our witness said that. It was Professor Paul Collier, director of the world-leading Centre for the Study of African Economies at Oxford University, who argued that western banks have been “living off the immoral earnings of others.” They are, in his words, “pimps,” but “pimping bankers are no better than any type of pimp.” That is in our report, but it was not us who said it; it was the witnesses. Paul Collier was one of the most highly qualified people we had before the committee. He also said, “Economic decline is the single greatest driver of conflict.”

• (1630)

Listen to what Mr. Ian Smillie, research coordinator, Partnership Africa Canada said. This is on the subject of trade and the problems of trade for Africans.

Sierra Leone once exported rice, the staple of its diet. Today, however, in a country with disastrous levels of unemployment, it imports most of its rice. The reason is huge U.S. government subsidies to American rice farmers. If this were to change, it could create five million person days of work per year in Sierra Leone.

The report addresses three issues. We received a lot of press because of comments we made about CIDA, but I must emphasize that the whole world aid program by developed countries has problems.

If you have read the newspapers, you have surely read of the problems of the World Bank in Washington. It is not just Mr. Wolfowitz. They have 13,000 employees. They spend \$25 billion a year and many questions have been asked, many of them by Mr. Raymond Baker, who wrote a book called *Capitalism's Achilles Heel*, every chapter of which is actionable. Mr. Baker talks about the role of the international banking system in accepting the deposits of stolen money. Every chapter is

actionable, but no one is suing, because he has the goods. The corruption issue is certainly a huge problem and an even bigger problem is the fact that Africans have been excluded from the world trading system by us, by the developed countries.

I wrote notes. As I said, our report is self-explanatory and it contains so much that is worth reading that I recommend it to senators.

Have you ever heard of the cotton subsidy? It is so unbelievable. Cotton, a commodity of great importance to West Africa, is an excellent example of how domestic support, given by rich country governments, can be devastating to developing countries. U.S. support for domestic cotton farmers amounts to roughly \$4 billion.

The committee has done some division and it works out to U.S. \$168,000 per year per person in the U.S. cotton business. There are only 25,000 people. The subsidy is equal to the GDP of Burkina Faso. The level of assistance ensures that cotton farmers from rich countries, 25,000 in the United States alone, receive inflated prices for their harvest while world prices fall, seriously harming the 10 million West Africans who depend on cotton production for their livelihoods and their health and education.

American cotton subsidies are destroying livelihoods in Africa and other developing regions. While American cotton barons get rich on government transfers, African farmers suffer the consequences. American cotton farmers receive three times more in subsidies than the entire U.S. aid budget for Africa's 500 million people. Imagine. We should be ashamed of the situation that has been allowed to fester for 45 years.

I am not a particularly guilt-ridden person, but when I see something that is so shameful that people live on the backs of the poor and could not care less, I find it disgraceful.

The Hon. the Speaker: I advise the honourable senator that his 15 minutes have expired.

Senator Stollery: May I have five more minutes? I will end briefly. I could be here all afternoon.

The president of Mali, who we had before the committee said, “The cotton subsidies are killing us, are completely destabilizing our country.”

This is not a partisan issue, I must emphasize. Most members of the committee agree with what I have said, I am certain. I would like to end, honourable senators, with a speech that Senator Di Nino and I heard in Hong Kong and then I will sit down. This should not take me more than a couple of minutes.

I was walking at the Doha Round, I happened to be walking around and I picked up a speech by the Minister for Foreign Relations, Ms. Leila Rashid de Cowles, of Paraguay. I speak Spanish and I could not believe this woman making the speech of her life. She said:

Some months ago, U.S. president George W. Bush declared before the United Nations that the United States stood ready to eliminate tariffs, subsidies and other barriers in order to achieve the free flow of trade in goods and services.

A year ago, in September 2004, in the same context, the World Food Summit, leaders of European powers undertook before the heads of state of government of developing countries to do their utmost to eradicate hunger and poverty considered to be the worst scourges to afflict humanity.

The pronouncements by the United States and the European Union together constitute the *raison d'être* of the Doha development agenda. Nevertheless, the negotiations under this round which contain an implicit promise to raise standards of living worldwide and alleviate poverty through the removal of trade distortions may well collapse or achieve only a fraction of their potential.

Progress in these negotiations has been slow and poor since the very outset. The enthusiastically rhetorical speeches often delivered under this roof bear little relation to the intransigence stance taken by the leading actors on the stage of multilateral trade. We are a long way from achieving the objectives which we set ourselves and proclaimed in July 2004.

Paraguay, a developing and land-locked country, is attending this conference with a view to working towards an improved multilateral trading system and campaigning for fair treatment, which takes into consideration the specificities, vulnerabilities and size of the economies of its members. However, the work that my country and the other developing countries' members of this organization strive to promote is failing to find support from nations with greater possibilities of influencing the final results of the round.

Honourable senators, I will not go on any further. I recommend this speech to everyone. I think every civilized person should read this speech and should take it to heart and quit beating up —

Senator Comeau: Speech or report?

Senator Stollery: I am trying to stick to the time limits, honourable senators. Do you want me to read some more?

Senator Comeau: Time is up.

Senator Stollery: Honourable senators, I recommend that the Senate adopt the report on Africa from the Standing Senate Committee on Foreign Affairs and International Trade.

On motion of Senator De Bané debate adjourned.

• (1640)

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—ORDER STANDS

On Reports of Committees, Order No. 23:

Consideration of the eighth (interim) report of the Standing Senate Committee on National Security and Defence, entitled *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions — Airports*, tabled in the Senate on March 20, 2007. —(Honourable Senator Kenny)

Hon. Colin Kenny: Honourable senators, I would like to speak to this report, but I would like to take the adjournment for the remainder of my time. The same would apply for the next item.

The Hon. the Speaker: Is it agreed, honourable senators, that this item remain in the name of Senator Kenny?

Hon. Senators: Agreed.

Order stands.

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—ORDER STANDS

On Reports of Committees, Order No. 24:

Consideration of the tenth report of the Standing Senate Committee on National Security and Defence entitled, *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions — Border Crossings*, tabled in the Senate on March 26, 2007. —(Honourable Senator Kenny)

The Hon. the Speaker: Is it agreed, honourable senators, that this item remain in the name of Senator Kenny?

Hon. Senators: Agreed.

Order stands.

AGING

BUDGET—REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Special Senate Committee on Aging, (budget—study on the implications of an aging society in Canada), presented in the Senate on May 8, 2007. —(Honourable Senator Keon)

Hon. Wilbert J. Keon: I move the adoption of this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration (conduct of staff) tabled in the Senate earlier this day. —(Honourable Senator Furey)

Hon. George J. Furey: With leave of the Senate, I move that the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration be now considered.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Furey: Honourable senators, the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration arises out of an incident that occurred in which the actions of a staff member of a senator affected the privacy of certain other senators. The matter was debated at the time in this chamber and in committee. In light of the incident, your committee, acting within its mandate and on its own initiative, decided to conduct a study and refer the matter to its steering committee for review and investigation. The steering committee reported to the committee this morning and your committee adopted the report of the steering committee, with one minor change. Your committee's report has attached to it, as appendix A, the amended report of the steering committee.

The report contains 12 findings and recommendations. With respect to the facts, the subcommittee found that a staff member of Senator LeBreton, Mr. Jeffrey Kroeker, gathered and distributed to the media unpublished information that was confidential and that contained personal information concerning senators. It found that Mr. Kroeker was acting alone at all times in these endeavours. More specifically, it found that he had undertaken his research without the knowledge or approval of Senator LeBreton, Senator Stratton or members of Senator LeBreton's staff.

In your committee's view, Mr. Kroeker's conduct was unethical and breached the provisions of chapter 206 of the *Senate Administrative Rules* on access to information and privacy.

With respect to the specific terms of the order of reference, the conclusion was that, in light of the present rules, procedures, practices and conventions of the Senate, it would not be appropriate or permissible for persons working in the offices of senators, including senators who are ministers of the Crown, in circumstances such as those brought to light by its examination of the facts of this case, to obtain or attempt to obtain from hotels used by senators, conducting business properly authorized by the Senate, detailed breakdowns, including lunches or other costs included in hotel invoices and including any and all sundry expenses associated with that stay.

Your subcommittee noted that while the *Senate Administrative Rules* govern in a comprehensive way the dissemination of information about senators, they do not at present govern the gathering of information and, in particular, personal information about senators and other identifiable individuals. Therefore, the report recommends that an additional provision be added to the *Senate Administrative Rules*.

The Steering Committee's order of reference required it to have due regard in the conduct of its proceedings for considerations of natural justice. We are satisfied that it did so.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, at this time I wish to thank the committee for its work. Their report finally brings this regrettable incident to a close.

On motion of Senator Tardif, debate adjourned.

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.—(*Honourable Senator Fraser*)

Hon. Joseph A. Day: Honourable senators, I have already spoken on this matter. I rise in order to clarify a statement that I made that may have misled this house when I gave my speech last week.

With the permission of the chamber, honourable senators, when I was speaking on this particular matter, I was making a point that no other prime minister other than the current Prime Minister had disagreed and failed to make recommendations to the Governor General in the appointment of senators. At that time, I pointed out there were two exceptions — one of them being the Prime Minister who served for only four months, Kim Campbell, and another Prime Minister, Arthur Meighen, who served for less than three months — making the point that they were not in office long enough to make the appointments. They were not purposely not making the recommendations.

At that time, I did not point out to this house that the Right Honourable Arthur Meighen also served another term in office for a period more than three months — in fact, for a period of 16 months, some five years earlier — and he did, at that time, make several appointments — 15 by my count — to the Senate during that period of time.

I did not wish to mislead this chamber in suggesting that Arthur Meighen did not make appointments to the Senate. It was only during the period of time that he was Prime Minister for three months that he did not. If I caused any misunderstanding or if I misled any member of this chamber in my remarks, I apologize.

The Hon. the Speaker: This item stands in the name of Senator Fraser.

Order stands.

• (1650)

STUDY ON FUNDING FOR TREATMENT OF AUTISM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Watt:

That the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Pay Now or Pay Later, Autism Families in Crisis*, tabled in the Senate on March 29, 2007, be adopted; and

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Ministers of National Revenue, of Intergovernmental Affairs, of Health and of Finance being identified as Ministers responsible for responding to the report.
—(Honourable Senator Cowan)

Hon. Jim Munson: Honourable senators, I recognize that it is late in the day but I do want to speak to this motion and move it forward. I rise to speak about a subject that honourable senators know I care passionately about. The subject, of course, is autism. I endorse the remarks made by the Honourable Senator Eggleton, who provided details about the Twelfth Report of the Standing Senate Committee on Social Affairs, Science and Technology entitled, *Pay Now Or Pay Later: Autism Families In Crisis*. He shared some examples of the heart-wrenching testimony we heard during the committee's work, especially the testimony of parents who, day in and day out, deal with the demanding and difficult task of providing care, finding care and buying care for their children with autism. He also shared the very positive experience of hearing from adults with autism, who were able to tell us how autism has affected their lives and about the treatments they did or did not receive.

I am proud of this report and the attention it has drawn to this pressing issue that affects one in 160 families in this country. We learned a lot from individuals and families affected by autism but the inquiry also allowed us to learn something about ourselves and about our system of government, and that is what I will focus my remarks on today.

Autism is a complex condition that affects people differently and in varying degrees. It is a baffling condition that challenges us because it overlaps so many areas of responsibility and jurisdictions. We tend to think of autism as a health issue because it is considered a neurological disorder, yet the treatment for autism involves a whole range of professionals beyond the field of medicine. Teams of educators, therapists, social workers and counsellors must all come together to help individuals and families with autism.

Unfortunately, this is where we, in Canada, stumble and fail far too many people. Let us remember that our health care system was brought into being some two generations ago and was designed to fund care provided in doctors' offices and hospitals. At that time, autism was seldom seen, and when it was diagnosed, it was considered to be a psychiatric disorder.

Honourable senators, now we know that autism is not an illness that can just be treated in hospital or in doctors' offices. It cannot be cured with a prescription or a vaccination. No surgical treatment that we are aware of will help people with autism connect with the world. While there may not be complete consensus among professionals and families with autism about the best treatment options, one thing is clear: A multidisciplinary approach that includes the medical and educational systems and social services is what works best.

Unfortunately, getting those sectors to work together and funding those sectors to work together is not something that Canada does best. Autism demands a new approach; it needs a new box of policy tools to help individuals and families affected by autism. Right now, in Canada, we spend too much time

explaining why we cannot help people; we offer the tired arguments of provincial and federal jurisdiction as an excuse.

From my perspective, the time has come to spend less time offering excuses and more time finding solutions. This means abandoning the jurisdictional shell game. Of course, funding for health and education is a provincial concern. That is a fact, but so what, honourable senators? That does not reduce the number of people with autism. That fact does not help families who are going broke paying for expensive treatment for their children.

One of the recommendations of the committee's report is that a federal-provincial-territorial meeting be held to develop a national strategy for autism. We also recommended that people with autism and their families be at the table.

It is essential that this meeting take place and it is vital for any national strategy to tackle the tough issues relate to treatment. As honourable senators know, treatment for autism in Canada depends on where one lives. In Alberta, there is funding to help families and many families are pulling up stakes from other parts of the country — the Maritimes and Ontario — and moving to Alberta to have access to treatment. It is another much sadder kind of Calgary Stampede.

However, a problem arises when they get there because Alberta, a victim of its own generosity, perhaps, does not have enough therapists to provide the necessary care. In Ontario, there are therapists but children languish on waiting lists because of lack of funding.

Honourable senators, my point with these examples is that the barriers that prevent us from helping individuals and families with autism are not insurmountable. In fact, they are administrative and bureaucratic in nature. It is about who pays and who does what. That is not difficult to figure out. It requires commitment, an open mind and a willingness to do things differently. We have the tools to address the problems but we have to use them in a different way.

This is the challenge we face. It is my hope that the government response to the committee's report will reflect a willingness to take a new approach and to do things differently. I mean this seriously. By calling itself "Canada's new government," this government must meet the challenge of doing things differently to help the one in 160 families affected by autism.

[Translation]

This is our greatest challenge. The other recommendations in our report are easier to address. Autism is difficult to diagnose and, for now, impossible to prevent since we do not know its cause. Our report was very clear. Research to understand the causes of autism must continue.

We must also ensure that the research already done on autism and its treatments is available to those who need it, particularly the parents of autistic children who are often overwhelmed by the volume and sometimes contradictory nature of the information available.

Research is essential, as is access to information. Everyone supports this initiative.

[English]

In closing, allow me to repeat: The priority that all honourable senators hear from the parents is to make treatment accessible to more children as soon as possible. As one father said to me, "My son does not need research; he needs treatment."

We have to find a way to move beyond the federal and provincial jurisdictional wrangling. We need to acknowledge at a national level that autism is a national issue that requires concerted action. If we can work with the provinces to reduce waiting times for knee and hip replacements and cataract surgery, then we can do the same for autism treatment.

[Translation]

It is time to acknowledge that the obstacles impeding our progress and preventing us from helping people with autism can be overcome with good ideas and a firm commitment to teamwork.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1700)

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Andreychuk*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I absolutely do wish to participate in this debate. However, since I did not have enough time to adequately prepare to discuss such an important issue, I should like to move adjournment of the debate in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the state of literacy in Canada, which will give every Senator in this chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Stratton*)

[Senator Munson]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to participate in this very important debate, but I did not have a chance to prepare my comments on the subject. Since I need more time to do so, I should like to move adjournment of the debate in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

MOTION TO URGE GOVERNMENT TO PROMULGATE ITS ENDORSEMENT OF THE PARIS COMMITMENT ON CHILD SOLDIERS—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire, pursuant to notice of March 1, 2007, moved:

That the Senate call on the Government of Canada to widely disseminate its endorsement of the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups, known as the Paris Principles and adopted by 58 countries in Paris, France on February 6, 2007; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating child soldiers as enunciated in the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (2000) as well as Security Council resolutions 1539 (2004) on Children in Armed Conflict, and 1612 (2005) on Monitoring and Reporting on Violations Against Children in War.

He said: Honourable senators, today I am seeking your support for a vitally important mission: protecting child soldiers participating in armed conflicts around the world.

The use of child soldiers has reached catastrophic proportions, and the immediate intervention of the international community — led by Canada, as a great middle power — is essential.

To better understand the scale of the problem, let me remind you that there are currently between 250,000 and 300,000 children under the age of 18 participating in armed conflicts around the world. Let us not delude ourselves: the problem is far more complex and serious than it appears at first glance.

There are currently 53 countries experiencing civil conflict that use child soldiers — children under 18 — as government troops or in paramilitary or rebel organizations.

[English]

When talking about child soldiers, we are not simply talking about the child holding an AK-47 machine gun. These are children who are stripped from their families at a tender age, repeatedly abused and, eventually, disposed of when they are deemed useless or ineffective. Young girls are used as bush wives and consistently raped, beaten and taught to hate themselves, and, in the extreme, they are even feeling the guilt of having been abused by these organizations and by the adults who lead them.

Honourable senators, the reality is that the people committing these atrocities value the children as much as they value dung. We must avoid falling into the trap of looking at this issue on the surface. Rather, for us to be successful in eradicating the use of child soldiers, we must identify the root causes.

According to a report prepared by Gracia Machel, the wife of Nelson Mandela, who has been working on this subject for the UN since 1996, and has submitted three separate significant reports on the subject, close to 2 million children have been killed in armed conflict since that time. This number continues to grow, for children, once they are injured, are simply abandoned in the bush and left to die.

Three times as many have been seriously injured and permanently disabled if they are able to make their way to any displacement camp, refugee camp, or should an NGO be so lucky as to pick them up in the bush or by the road. Many of them are maimed by land mines, still prevalent in many of those conflicts, and countless others have been forced to witness or even take part in horrifying acts of violence of abuse, mutilation or barbarism.

The conclusion drawn from Ms. Machal's report, the most recent one of 2005, is best described in her words as follows:

The world is being sucked into a desolate vacuum. This is a space in which children are exploited as soldiers; a space in which they are starved and exposed to extreme brutality. Such unregulated terror and violence speak of deliberate victimization. There are few further depths to which humanity can sink.

We keep conflicts alive and thriving by using children as the primary weapons system of those conflicts.

These children are recruited, conscripted, press-ganged, kidnapped or forced to join armed groups to defend their families on certain occasions. In some cases, children join for economic reasons as poverty and hunger drives parents to offer their children for these operations and provide succour indirectly for the family.

Though recruitment methods may vary, they lead to one invariable consequence: The abuse of the rights of the child, as declared by the protocol on the child rights of the United Nations, which this country has signed and which a recent report has indicated the possibility that we may not be as clear as we could be in applying, even in this country, the rules of child rights.

Once recruited, these children suffer gruelling and life-threatening induction ceremonies. They are used either as front line soldiers, as psychological weapons, for logistic purposes, as spies, scouts and, ultimately, sex slaves. When employed in a logistical capacity, including those of porters, they are forced to carry heavy loads, including ammunition or injured soldiers, over great distances. If they are unable, they are savagely beaten and summarily shot.

For those not deployed in support functions, many children are used in fighting and sustaining conflicts. Their lack of training and inexperience leaves them exposed as cannon fodder. Often commanders deliberately exploit them by plying them with drugs and alcohol. As a result, when shelling starts, children get overexcited and forget to take cover. Those who survive the

violence become desensitized to suffering and commit violent acts. This leads to the breakdown of social norms of any kind.

Although the majority of child soldiers are boys, we often forget about the effects armed conflicts have on girls. They are used as cooks and nurses, but also as sex slaves, which leaves them with trauma of the body, the psyche and the soul. A young girl of 13 from Honduras who was employed as a child soldier recalls her experience in the following manner:

At my young age, I experienced abortion. There is a great pain in my being when I recall all these things . . . They abused me, they trampled my human dignity. And above all, they did not understand that I was a child and that I had rights.

• (1710)

During my time at Harvard, I quickly came to the realization that as long as evil, unethical and brutal commanders who use child soldiers believe that they are low-cost and effective weapons systems, they will continue to use them. As a result, I have been leading an international research project which aims to subtract children from the doctrine of war. However, this is but one initiative and must be supported by state action. The ultimate aim is to eradicate not only the use of children as the primary weapons system of conflict, but also the thought by adults to use children as the primary weapons system.

What about Canada's role in tackling this issue? It is against this sort of backdrop that I ask: Who will defend the rights of these children? Who will stand up for them and say, "No more?" Who will have the courage and vision to provide the international leadership required to tackle this most pressing issue? Honourable senators, I wish I could say that Canada was leading this important mission, but I must sadly report that our government enjoys the role of being a mere spectator.

[Translation]

At the present time, as the international community slowly begins to explore the best action to take, Canada is nothing more than a passive bystander. Our government's inaction goes beyond a simple lack of interest and borders on quasi-negligence.

I would remind honourable senators that Canada once played an important role in international relations concerning the protection of children engaged in armed conflict. As Canadians, we can be proud that our government was once a world leader and played a key role in international relations, specifically on the topic of child soldiers and children's rights protocols.

The present government's actions clearly demonstrate a lack of vision, desire and leadership on an issue that is unique to our more modern times, that is, the invention of what is referred to as the child soldier.

We cannot simply trail behind important international initiatives. We should be among those who are leading the charge to make this world a better place, a world in which everyone, especially children, may thrive.

[English]

I take the following words from Winston Churchill, who said that:

The price of greatness is responsibility. . . . that one cannot rise to be in many ways the leading community in the . . . world without being involved in its problems, without being convulsed by its agonies and inspired by its causes.

This short quote sums up how Canada has stumbled into a major international responsibility. We may be thousands of kilometres away from where these atrocities are being committed, but we cannot isolate ourselves and hope that someone else will take care of our problems. To the contrary, we must mobilize our resources and lead the charge in dealing with this use of children in armed conflicts as the principal weapon of conflict — not a peripheral, not a marginal use. These children are the primary weapon system of conflicts in 53 countries around the world today. How, then, can we be leaders?

Having said this, I would like to turn now to how we will achieve this eradication of child soldiers. Our mission statement could be quite simple: To provide the necessary leadership, to stop the recruitment and use of children as weapons platforms in armed conflicts.

The first step is to build upon what has already been done. In February 2007, a major international conference was held in Paris under the co-presidency of the French foreign minister and the world executive director of UNICEF. This meeting was a result of the review of the 1997 Cape Town Principles and Best Practices on the prevention of recruitment of children into the armed forces and demobilization and social reintegration of child soldiers in Africa, better known as the “Cape Town Principles.”

This review was aimed at better reflecting the knowledge acquired and lessons learned since Cape Town. The result was the elaboration of two documents, first, “The Paris Commitment to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups,” also known now as the “Paris Commitments;” and, second, “The Principles and Guidelines of Children Associated with Armed Forces or Armed Groups,” now known as the “Paris Principles.”

I remind honourable senators that 58 countries out of 62, which were invited, endorsed the commitments, including Canada. However, this is simply not enough to endorse. We have seen Canada endorsing commitments and protocols, and yet not necessarily applying them, putting them into law, using them and acting upon them, building policy and roles for this country in the international forum.

The Government of Canada, through CIDA and the Department of Foreign Affairs, can, through those two instruments, contribute much more to the effects of advancing the fundamental premise that using children as an instrument of war is abhorrent. It is equal to using nuclear weapons. It is equal to using biological weapons and to using chemical weapons. We abhor those concepts. How is it possible that we can permit conflicts to evolve under our noses and the principal weapon is the child?

In the conflict in which I was involved, we faced children as young as eight years old armed with AK-47s, opening fire on soldiers, on civilians. We have seen girls, some of them even pregnant, who were used as human shields behind which other boys shot at the soldiers and at the civilians. The question is: How do you stop that in the field? Do you kill children who kill? Do

you kill children who have been abducted, children who were there under duress, children who are half-drugged, children who do not realize the threats they face? Is there not another solution than simply facing that catastrophe? Can it not be avoided? Can we not eradicate the use of this abhorrent weapons system in our era?

[Translation]

There is another stage that necessarily follows, the formal step we saw in Paris. This is a stage where Canada can build on what it has already done and propose a new direction to the international community. Experts agree that the Paris principles and commitments are a good start, but they are not a solution in themselves, which is to say that they are not, in fact, the application of the principles. These two documents merely set out the principles.

Consequently, the expectation is that developed countries, middle powers that have the capacity and the potential and that respect human rights, will take these principles, promote them and apply them.

What happens next? Should we wait another 10 years for an international conference on this issue? Should we wait around in the hope that the people who are exploiting children will stop? The answer is no. The status quo is completely unacceptable.

The Hon. the Speaker: I regret to inform the honourable senator that his time is up.

Senator Dallaire: Honourable senators, I would like to speak for at least five more minutes.

The Hon. the Speaker: Is leave granted for an additional five minutes?

Some Hon. Senators: Agreed. Five minutes.

Senator Dallaire: I would go so far as to say that allowing ten more years to pass is not an option. Therefore, Canada, and more specifically the Department of Foreign Affairs, together with CIDA and even National Defence — using the 3D approach — must develop and propose a road map for the international community.

This will provide a framework for our efforts to eliminate the use of child soldiers. By working with the humanitarian, military, academic and diplomatic sectors, Canada will be able to propose a concrete, realistic and ambitious plan. Therefore, I am urging the government to immediately undertake the development of this road map in conjunction with our international partners.

The third step will be to ensure that Canada not only respects but also actively participates in the implementation of Resolutions 1539 and 1612 of the United Nations Security Council. I would like to remind you that Resolution 1539 condemned the recruitment of child soldiers and was intended to ensure that peacekeeping missions would protect the rights of children.

Resolution 1612 introduced a monitoring and reporting mechanism concerning the rights of children in armed conflict. I urge the Canadian government to make every effort to meet its obligations under these resolutions.

The government has to commit public funding to this and put our diplomatic corps, the Canadian Forces and CIDA on the task. It must truly take a practical position and do what it takes to resolve the problem.

• (1720)

Nonetheless, even if the letter of the law is respected, a policy absolutely must be created and implemented that emphasizes recruiting young people who are older and not those who are so very young.

[English]

Needless to say, the threat of child soldiers represents a serious and totally unpredictable threat to our humanitarians, diplomats, soldiers, police and civilians who operate in so many of these complex conflict zones around the world.

Many people are doing work on recruitment, demobilization, rehabilitation and reintegration, but very little is being done on neutralizing the tactical use of children in armed conflict. The humanitarians and the military must find solutions. To this end, we need to have an honest and serious review and to take the decision, which will be, I remind honourable senators, for the benefit of all children. It will embrace security in these fragile states where impunity and massive abuse of human rights are still prevalent.

I have outlined the problems of children being used as child soldiers in armed conflict. It breaks my heart when I hear the stories of young children who are used as cannon fodder or who die as a result of being forced to blow up mines with their bodies or must live with mental and psychological scars while rape and abuse continues unabated around the world.

These children should be learning, playing and aspiring to great things in life. If honourable senators agree with me that our children are the future, then tell me what kind of future children have who are being abused, who are being forced to kill, who are rejected by their communities, and who live with the guilt of being an instrument of death and sexual abuse.

I have had the barrel of an AK-47 stuck up my nostril by a 12-year-old child. That child was drugged up, exceptionally nervous and totally unpredictable. There is no greater threat than such a situation, and such things happen regularly. The only reason the child did not pull the trigger was because I pulled a candy bar out of my pocket.

Honourable senators, this is life, this is death; this is being used and abused; this is employing children as weapons. This cannot be permitted in an era where we consider human rights to be the fundamental premise of humanity.

On motion of Senator Munson, debate adjourned.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO FOREIGN RELATIONS—COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO FOREIGN RELATIONS

Hon. Peter A. Stollery, for Senator Di Nino, pursuant to notice of May 8, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 9, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine such issues as may arise from time to time relating to foreign relations generally, be empowered to extend the date of presenting its final report to March 31, 2008.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 15, 2007, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 15, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, May 10, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|-------------------------------------|---------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | 07/03/29 | 7/07 |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | 07/03/29 | 5/07 |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) | (report on subject-matter 06/10/26) | | | | |
| | | | | (bill 07/02/20 Legal and Constitutional Affairs) | | | | | |
| S-5 | An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 06/10/03 | 06/10/31 | Banking, Trade and Commerce | 06/11/09 | 0 | 06/11/23 | 06/12/12 | 8/06 |
| S-6 | An Act to amend the First Nations Land Management Act | 07/04/25 | | | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1st | 2nd | Committee | Report | Amend | 3rd | R.A. | Chap. |
|------------|--|-----------------------|-----------------------|---|---------------|---|--|-------------|--------------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158 | 06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 | 06/12/12 | 9/06 |
| | | | | | | | Referred to committee 06/11/23 | | |
| | | | | | | | Report adopted 06/12/07 | | |
| | | | | | | | Message from Commons- agree with Senate amendments 06/12/11 | | |
| C-3 | An Act respecting international bridges and tunnels and making a consequential amendment to another Act | 06/06/22 | 06/10/24 | Transport and Communications | 06/12/12 | 3 observations | 06/12/13 | 07/02/01* | 1/07 |
| C-4 | An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | 06/05/09 | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | 06/11/03 | 06/12/12 | 5/06 |
| C-8 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>) | 06/05/04 | 06/05/09 | — | — | — | 06/05/10 | 06/05/11 | 2/06 |
| C-9 | An Act to amend the Criminal Code (conditional sentence of imprisonment) | 06/11/06 | 07/02/27 | Legal and Constitutional Affairs | 07/05/03 | 0 observations | | | |
| C-11 | An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts | 07/03/01 | 07/03/28 | Transport and Communications | | | | | |
| C-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | 07/03/28 | Special Committee on the Anti-terrorism Act | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|--|----------|--------------------|---|-----------|-------|
| C-13 | An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/06/06 | 06/06/13 | National Finance | 06/06/20 | 0 | 06/06/22 | 06/06/22* | 4/06 |
| C-15 | An Act to amend the Agricultural Marketing Programs Act | 06/06/06 | 06/06/13 | Agriculture and Forestry | 06/06/15 | 0 | 06/06/20 | 06/06/22* | 3/06 |
| C-16 | An Act to amend the Canada Elections Act | 06/11/06 | 06/11/23 | Legal and Constitutional Affairs | 07/02/15 | 0 + 1 at 3rd | 07/03/28 Message from Commons disagreeing with Senate amendment 07/04/27 | 07/05/03* | 10/07 |
| | | | | | | | Senate does not insist on its amendment 07/05/01 | | |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-18 | An Act to amend certain Acts in relation to DNA identification | 07/03/29 | 07/05/09 | Legal and Constitutional Affairs | | | | | |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| C-22 | An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act | 07/05/08 | | | | | | | |
| C-24 | An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence | 06/12/06 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| C-25 | An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act | 06/11/21 | 06/11/28 | Banking, Trade and Commerce | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | 07/02/28 | Banking, Trade and Commerce | 07/04/19 | 0 observations | 07/04/26 | 07/05/03* | 9/07 |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | 07/03/21 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|-----------|-------|
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| C-36 | An Act to amend the Canada Pension Plan and the Old Age Security Act | 07/03/20 | 07/04/17 | Banking, Trade and Commerce | 07/04/19 | 0 | 07/05/01 | 07/05/03* | 11/07 |
| C-37 | An Act to amend the law governing financial institutions and to provide for related and consequential matters | 07/02/28 | 07/03/21 | Banking, Trade and Commerce | 07/03/29 | 0 | 07/03/29 | 07/03/29 | 6/07 |
| C-38 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 6/06 |
| C-39 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 7/06 |
| C-46 | An Act to provide for the resumption and continuation of railway operations | 07/04/18 | 07/04/18 | Committee of the Whole | 07/04/18 | 0 | 07/04/18 | 07/04/18* | 8/07 |
| C-48 | An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption | 07/05/01 | 07/05/10 | Foreign Affairs and International Trade | — | — | — | — | — |
| C-49 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 3/07 |
| C-50 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 4/07 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| C-252 | An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) | 07/03/22 | 07/04/19 | Social Affairs, Science and Technology | 07/05/10 | 0 | — | — | — |
| C-277 | An Act to amend the Criminal Code (luring a child) | 07/03/29 | 07/05/10 | Social Affairs, Science and Technology | — | — | — | — | — |
| C-288 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | 07/03/29 | Energy, the Environment and Natural Resources | — | — | — | — | — |
| C-292 | An Act to implement the Kelowna Accord | 07/03/22 | — | — | — | — | — | — | — |
| C-293 | An Act respecting the provision of official development assistance abroad | 07/03/29 | — | — | — | — | — | — | — |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|---------------------|--|-----------------|--|---|----------|-------|-----------------|------|-------|
| C-294 | An Act to amend the Income Tax Act (sports and recreation programs) | 07/04/17 | 07/05/02 | National Finance | | | | | |
| C-299 | An Act to amend the Criminal Code (identification information obtained by fraud or false pretence) | 07/05/09 | | | | | | | |
| SENATE PUBLIC BILLS | | | | | | | | | |
| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | 07/05/10 | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | 07/04/25 | | |
| S-206 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Legal and Constitutional Affairs | | | | | |
| S-207 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 06/04/05 | 06/12/14 | Human Rights | | | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 06/04/06 | | | | | | | |
| S-209 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 06/04/25 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|---------------|---|-----------------|--|--|----------|-------|-----------------|-----------|-------|
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 06/12/06 | 1 | 06/12/07 | | |
| S-214 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 06/05/17 | 06/10/03 | Social Affairs, Science and Technology | 06/12/14 | 0 | 06/12/14 | | |
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| S-216 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 06/05/30 | 06/12/13 | Aboriginal Peoples | | | | | |
| S-217 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 06/05/30 | 06/10/18 | National Finance | | | | | |
| S-218 | An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk) | 06/06/15 | 06/11/02 | Legal and Constitutional Affairs | | | | | |
| S-219 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.) | 06/06/27 | | | | | | | |
| S-220 | An Act to protect heritage lighthouses (Sen. Carney, P.C.) | 06/10/03 | 06/11/28 | Fisheries and Oceans | 06/12/11 | 16 | 06/12/14 | | |
| S-221 | An Act to establish and maintain a national registry of medical devices (Sen. Harb) | 06/11/01 | | | | | | | |
| S-222 | An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen) | 07/02/01 | | | | | | | |
| S-223 | An Act to amend the Access to Information Act (Sen. Milne) | 07/02/15 | | | | | | | |
| S-224 | An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell) | 07/04/17 | | | | | | | |
| S-225 | An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.) | 07/05/09 | | | | | | | |
| PRIVATE BILLS | | | | | | | | | |
| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
| S-1001 | An Act respecting Scouts Canada (Sen. Di Nino) | 06/06/27 | 06/10/26 | Legal and Constitutional Affairs | 06/12/06 | 0 | 06/12/07 | 07/02/21* | |

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 97

OFFICIAL REPORT
(HANSARD)

Tuesday, May 15, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, May 15, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CHINESE IMMIGRATION ACT

SIXTIETH ANNIVERSARY OF REPEAL

Hon. Vivienne Poy: Honourable senators, yesterday was the sixtieth anniversary of the repeal of the Chinese Immigration Act, 1923, also known as the "Chinese Exclusion Act." This act was passed by the dominion government banning immigration to Canada with few exceptions. From then, until its repeal in 1947, only a handful of Chinese entered Canada.

Many senators may not understand why such a law was passed. I will explain. The Chinese Exclusion Act was the culmination of a series of acts focused on stopping Chinese from entering Canada. When the Canadian Pacific Railway, CPR, was completed in 1885, it was thought that Chinese labour was no longer needed. A head tax of \$50 was imposed on each person of Chinese origin entering Canada irrespective of their allegiance or citizenship. This amount was imposed because it exceeded what a Chinese labourer could save, which was \$48 in a year after living expenses.

The amount was increased to \$100 in 1900 and \$500 in 1903. This tax was still deemed to be not enough of a deterrent.

I will share one quote from the Senate debates in 1923. Senator Sanford Johnson Crowe said:

If you are going to open the door and allow wives to come in, you might as well give British Columbia to the Chinese. . . . When I say that there are 2,000 business licences taken out in the city of Vancouver alone by Orientals, you will realize that. The Chinese have gone into every business you can name.

• (1405)

Honourable senators, 60 years ago yesterday, Chinese exclusion was repealed. This year is also the fiftieth anniversary of the election of Douglas Jung, the first Chinese Canadian MP. Both events are cause for celebration.

The appointment of the Honourable David Lam as Lieutenant-Governor of British Columbia in 1988 was another important turning point in the history of Canadians of Chinese heritage. He was the first Chinese-Canadian to become a Lieutenant-Governor in Canada.

Canada is definitely moving in the right direction. However, when you look around this chamber and the other place, our representation is abysmal in comparison to our numbers in the general population. There is still much work to be done in order for Parliament to reflect the population it serves.

INTERNATIONAL CONSCIENTIOUS OBJECTORS DAY

Hon. Nancy Ruth: I hope all honourable senators had a great Mother's Day and have filed their income tax. The two have a relationship to each other. That is what I wish to talk about.

American Julia Ward Howe, the author of the *Battle Hymn of the Republic*, saw some of the worst effects of the Civil War. She worked with widows and orphans on both sides of the war, and she realized that the effects of war go beyond the killing of soldiers in battle. She saw the economic devastation of the Civil War, the economic crises that followed the war and the restructuring of the economies of both the North and South.

In 1870, Julia Ward Howe created an anti-war day that we know as Mother's Day for Peace. She was convinced that, "The sword of murder is not the balance of justice."

Today is International Conscientious Objectors Day. Conscientious objectors to physical military service have been recognized in most parts of the world. Conscience Canada, along with other groups, points out that modern wars are hugely dependent on tax monies.

For conscientious objection to be adequately recognized, citizens who object to paying for war must have the means to redirect their war taxes toward non-violent means of peace building. Canada has several historical precedents for recognizing conscientious objection to military taxation, starting with the War of 1812.

Our Charter enshrined freedom of conscience based on secular morality as well as religion. In 1981, Senator Eugene Forsey and six other MPs said:

In times of military conscription, exemption from service in the military can be claimed on grounds of conscience, and alternative service is approved. It should be equally possible to claim exemption from taxes intended for war preparation and a related alternative should be offered.

I am one of those Canadians who, for some years, have withheld from my income tax payment the percentage for the military budget. I have put that money on deposit with a peace tax fund called Conscience Canada.

I encourage honourable senators to do so, too, and to work for the right of Canadians to do three things: to legally and conscientiously object; to pay taxes for peace, instead of the military; and, finally, to support Bill C-348 when it comes to this chamber.

As Julia Ward Howe said, "The sword of murder is not the balance of justice."

WORLD HOCKEY CHAMPIONSHIPS

CONGRATULATIONS TO TEAM CANADA ON WINNING GOLD MEDAL

Hon. Joseph A. Day: Honourable senators, on Sunday afternoon in Moscow, Canada's men's hockey team squared off against Finland in the gold medal game of the 2007 Ice Hockey Federation's world championship. Coming into the game, our Canadian squad was undefeated in their previous eight games, including a 5-1 victory over Switzerland in the quarter-finals and a 4-1 victory against Sweden in the semi-finals.

Led by team captain Shane Doan, the Canadian team finished the tournament with a perfect 9-0 record by defeating Finland with a score of 4-2. Canada's perfect nine-zero record marked a remarkable fifteenth time since 1930 that Canada has skated through the world championship without a loss.

• (1410)

Honourable senators, special recognition must go to tournament MVP Rick Nash, who scored two goals in the gold medal game. I predict that his backhand shot for the final game-winning goal will stay in our memories just the way that Bobby Orr's dive across the goal crease in that final game in Boston is so well remembered.

Honourable senators, special recognition must also go to Captain Shane Doan, who excelled through a great deal of political scrutiny resulting from, in my view, unfortunate and unfounded allegations.

Congratulations, gentlemen, your professionalism has made all Canadians proud.

MANITOBA

REPORT OF CHILD CARE COALITION

Hon. Maria Chaput: Honourable senators, I have just received, through the Child Care Coalition of Manitoba, reports on child care in Manitoba. The coalition has produced four economic and social impact reports to document the many contributions made by the child care sector. I would like to quote from two of those reports.

1. **Rural Child Care:** Child care as economic and social development. Rural areas need child care. Regulated child care helps parents balance work and family responsibilities and provides children with a rich environment for development and care. Child care is good for equity and supports their labour force participation. Rural regulated child care is a key part of rural infrastructure and economic development.
2. **Franco-Manitoban Child Care:** Child care as economic, social and language development. In Manitoba's francophone communities, regulated child care services play an additional role. Francophone child care contributes to linguistic and cultural vitality in the next generation. French child care enables children to have a strong language foundation for primary and secondary schooling.

[Translation]

The Leader of the Government in the Senate, Senator LeBreton, answered my question on May 9, 2007, regarding child development, and I would like to quote part of her response:

For anyone to say that this government is ignoring our children and ignoring minority language rights is just false.

And at the end of her reply, Senator LeBreton added:

I take great offence that the honourable senator would think that our government has not responded to these matters, because we have.

So today I would like to revisit this subject.

[English]

My question to Senator LeBreton meant that the actions taken by the Conservative government toward child care programs demonstrate a lack of understanding of the needed regulated child care and the needed regulated francophone child care. For those in minority communities, regulated services are the window of opportunity for providing active support and services in French.

[Translation]

The needs of minority language communities were not taken into consideration when the Conservative government cancelled the child development agreements. You have weakened our resources and are chipping away at our already fragile and crumbling foundations.

Honourable senators, I can only repeat that regulated early learning and child care services, support and involvement in early childhood are essential to the survival of minority francophone communities, as well as to the success of French-language schools across the country.

[English]

CHINESE IMMIGRATION ACT

SIXTIETH ANNIVERSARY OF REPEAL

Hon. Lillian Eva Dyck: Honourable senators, May 14, 2007, marked the sixtieth anniversary of the repeal of the Chinese Immigration Act. This act, referred to as the "Chinese Exclusion Act," was enacted from 1923 until 1947 and prevented the wives and families of Chinese men in Canada from joining them. Consequently, Chinese immigration was effectively stopped until the act was repealed in 1947.

• (1415)

On June 22, 2006, the Canadian government apologized to Chinese Canadians who paid the head tax and provided funds for redress and for educational activities to acknowledge formally its former regrettable actions and to make reparations. This week, the Chinese Canadian National Council held a press conference here in Ottawa urging the federal government to extend direct redress to descendants of deceased head tax payers whose spouse had also passed away before June 22, 2006.

Honourable senators, let us all remember and celebrate the hard work and remarkable accomplishments of the many, many millions of Chinese Canadians, past and present, who have helped shape our great nation.

WORLD HOCKEY CHAMPIONSHIPS

CONGRATULATIONS TO TEAM CANADA ON WINNING GOLD MEDAL

Hon. Joyce Fairbairn: Honourable senators, while we are still deep into cheering the Ottawa Senators on their march toward the Stanley Cup, I want to join with others today in expressing the pride we have for all our players who led our Team Canada to victory in the world championship games in Moscow over the weekend.

Without a single loss throughout the games, our team won by a hard-fought four goals to two over Finland in the final gold medal contest yesterday. The most valuable player of the games was Brampton, Ontario's Rick Nash, with two goals in the final game and six overall in the tournament, an absolutely outstanding performance.

There was another outstanding and courageous performance by a young man who came from the small Alberta town of Halkirk. While helping out with that final goal, he also had the honour of guiding our team with tremendous commitment as its captain. His name is Shane Doan, who, at the young age of 30, already has an outstanding history in hockey over the past decade, first with the Winnipeg Jets and now in partnership with the Phoenix Coyotes. He played with Team Canada at the 2006 Olympics and has guided our team in Moscow with great skill and leadership.

In all my 23 years in the Senate, I have not received as many calls and emails from Albertans as in the last few days, as they rallied around this young man for his talent, courage and dedication to his country and all its citizens. I join them with pride and good wishes for many more years of success for Shane and all his teammates as they continue to dominate one of our great national sports. I also send best wishes to the Doan family and all the citizens of Halkirk who have supported his career.

[Translation]

ROUTINE PROCEEDINGS

COMMISSIONER OF OFFICIAL LANGUAGES

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2006-2007 annual report of the Commissioner of Official Languages, pursuant to section 66 of the Official Languages Act.

[Senator Dyck]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

USER FEE PROPOSAL FOR INTERNATIONAL YOUTH PROGRAM—REFERRED TO FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3.1), I wish to inform the Senate that the Department of Foreign Affairs has filed a user fee proposal for the International Youth Program with the Clerk of the Senate. The proposal is deemed to have been tabled on April 17, 2007, pursuant to rules 28(1) and (2).

According to the User Fees Act and the Rules of the Senate, this user fee proposal should have been tabled in the Senate. Unfortunately, that did not happen. Nevertheless, the Act and our Rules state that it must be referred to a Senate committee, which has just 20 sitting days after the proposal is tabled to report. Twelve days have now passed since it was tabled.

After consultation with the Leader of the Opposition, it has been determined that the committee designated to study this document is the Standing Senate Committee on Foreign Affairs and International Trade.

The Hon. the Speaker: Pursuant to rule 28(3.1), this document is deemed to have been referred to the Standing Senate Committee on Foreign Affairs and International Trade.

• (1420)

[English]

SALES TAX AMENDMENTS BILL, 2006

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-40, to amend the Excise Tax Act, the Excise Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE— CONDUCT OF STAFF

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the Standing Committee on Internal Economy, Budgets and Administration tabled its sixteenth report. I hope that the Leader of the Government in the Senate has thoroughly reviewed this report and has decided what type of action her government intends to take in response to serious violations of the rights of each senator targeted by Mr. Kroeker.

The committee said that by collecting and sharing information, Mr. Kroeker acted inappropriately and unethically.

I would remind honourable senators that we are not protected by the same legislation that, generally speaking, protects government officials and other employees. I am referring to the Access to Information Act, the Privacy Act, and the Personal Information Protection and Electronic Documents Act. We have adopted a system exclusively for the Senate. Chapter 2:06 of the *Senate Administrative Rules* is entitled "Access to Information and Privacy".

The committee report unanimously concluded that Mr. Kroeker violated the rules in question. Since Mr. Kroeker was an employee of the Leader of the Government in the Senate, I would like to ask her what measures she intends to take to ensure that this kind of problem never happens again. What measures will be taken regarding Mr. Kroeker, who was employed by her government?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. As I said last week, I believe that the report of the Standing Committee on Internal Economy, Budgets and Administration brought an end to this incident. As I said last fall, I do not believe that the Canadian public expects either government or an institution that is paid for by the taxpayer to be exempt from being open and transparent about the tax dollars they spend.

Senator Hervieux-Payette's comments in the media that, somehow this incident was brought about by the efforts of the government to undermine the Senate by cancelling the trip were so absurd that they almost bear no response at all. The issue at hand was precipitated by the fact that, had the committee listened to the advice they had received from the military, this incident would not have happened.

• (1425)

[Translation]

HERITAGE

SUPPORT FOR ARTS AND CULTURE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I am going to give the Leader of the Government in the Senate one more day to think about the question, because her answer certainly does not correspond to the ethical principles of this chamber.

I would instead like to ask the Leader of the Government in the Senate a question on another matter. Yesterday, in Montreal, the Honourable Stéphane Dion, Senator Lapointe, Senator Fox and I held a round table with representatives from the cultural community. It was an opportunity to discuss the problems and challenges facing our artists, who earn an average of \$23,000 a year. They are among the lowest paid Canadians. Among such problems, the flagrant lack of federal policies in the area of culture was particularly criticized by the cultural community. Our artists talked about the lack of funding for various programs, lack of coordination within the government and a lack of leadership on the part of the current government.

Culture is not an incidental component of a society; it is a fundamental part of peoples' identities. Culture is the lens through which each of us looks at our world. It helps us understand others. It forces us to look at ourselves. Can the Leader of the Government in the Senate tell us whether her government will finally listen to the cultural community and assist the cultural sector with stable, long-term programs and a concerted cultural policy?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I saw the television coverage of the Leader of the Opposition in the other place, Mr. Dion, flanked by the honourable senator herself, Senator Lapointe and Senator Fox, I believe.

I disagree with the premise of the question. In response to the question by Senator Lapointe the other day, I outlined important initiatives the government is taking to promote arts and culture. For the benefit of the honourable senator today, I will repeat them. In addition to the answer I gave to Senator Lapointe, we have undertaken many other initiatives. In Budget 2007, we announced that we will create a national trust to protect important lands, buildings and national treasures, which I know has been publicly supported by the honourable senator's former colleague, Sheila Copps, the former Minister of Canadian Heritage.

The budget also creates a new Canadian heritage sports fund to encourage youth participation in heritage sports, such as lacrosse. This month alone, our government has announced funding support for an art gallery for the Huron-Wendat First Nations in Quebec, for the festival of Celtic folk artists in Ontario, and for community radio broadcasting in francophone and Acadian communities across Canada.

This spring, Minister Oda announced funding for several museums across the country, including a Western Canadian aviation museum in Winnipeg, the Pier 21 Society in Halifax and the Bytown Museum in Ottawa. In addition to the \$50 million we have provided to the Canada Council for the Arts, the government invests more than \$25 million annually in the music industry through the Canada Music Fund.

Senator Hervieux-Payette: I guess it is like a grocery list, but I am talking about the policy. I have one simple question: What kind of support will our artists receive to tour and inform the world about Canadian artistic community productions, to make sure that Les Grands Ballets Canadiens, the Royal Winnipeg Ballet, l'Orchestre Symphonique de Montréal and the Vancouver Symphony Orchestra receive proper funding to do what we call "diplomatic cultural exchanges?" There are no budgets, and the minister responsible greatly needs that support.

Senator LeBreton: I believe I answered that question a few weeks ago. The Minister of Foreign Affairs and the Minister of Canadian Heritage are promoting Canadian arts and culture abroad through many programs. The government is proud of many of Canada's cultural groups and national institutions, such as the National Ballet.

• (1430)

I do not have a list at my fingertips, but we are undertaking many endeavours to promote Canadian culture. I would be happy to provide the senator with further information.

[Translation]

Hon. Jean Lapointe: Honourable senators, I would like to ask the Leader of the Government in the Senate a supplementary question. I want to thank her for her courtesy when she answered my question the other day.

However, she took me a bit by surprise. I discovered that she is a violin virtuoso. She played me an incredible concerto when she told me that the government had added \$50 million to cultural programs. Initially, the Conservative government had decided to invest \$300 million in culture and the arts in this country, but it has invested only \$200 million. As a result, there is a \$100 million shortfall. I believe that the Leader of the Government lulled me a bit with her violin, but we still do not have an answer. I respect her and hold her in high esteem, but she should not try to tell me any tall tales.

[English]

Senator LeBreton: Honourable senators, I cannot play the violin, but I sure can tap dance.

Our government came into office a little over a year ago. We are planning to do many things in a host of areas. We have brought down two budgets and started well in regard to supporting the arts and culture. We have received compliments from Canada Council as well as from people such as Sheila Copps on the National Trust.

[Senator LeBreton]

As Canadians would expect, the government is very proud and supportive of Canadian arts and culture groups.

[Translation]

Senator Lapointe: Not only can the Leader of the Government play the violin and tap dance, but she can skate as well. I congratulate her. I was not aware she had such talents.

But she has not answered my question: where is the \$100 million her government promised but has not delivered? Instead of going from \$150 million to \$300 million, it has gone from \$150 million to \$200 million. I may not be an accountant, but I can see that \$100 million is missing. Where is it?

[English]

Senator LeBreton: As I have pointed out many times, there were many promises that the previous government made upon which it did not deliver. In this case, the previous government made the promise and we are delivering on it.

[Translation]

OFFICIAL LANGUAGES

REPORT OF COMMISSIONER—CANCELLATION OF PROGRAMS—EFFECT ON LINGUISTIC RIGHTS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In his statement this morning, the Commissioner of Official Languages, Graham Fraser, said that:

The government's message has been very positive. Unfortunately, the actions this government has taken in the past year do not reflect this message.

According to Mr. Fraser:

The elimination of the Court Challenges Program in particular delivered a serious blow to Canadians' ability to defend their language rights . . . [and] raise[s] some doubts about whether it is really committed to implementing these new legislative obligations.

He says that by eliminating the Court Challenges Program:

The Harper government violated the act and did not consider the rights of linguistic minorities when he cut certain services.

When will this government put its money where its mouth is and assume its responsibilities by fully respecting the Official Languages Act, which this government supported when it was amended in 2005?

• (1435)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, we received the report from the Commissioner of Official Languages this morning. The government is reviewing the report and will respond. Of the little bit of the report that I had a chance to

read, I was happy and delighted to see that it recognized the Prime Minister for his commitment to linguistic duality and stated that he had served as an important role model for other public officials.

I am very proud of the Prime Minister in his commitment to this area. I believe our government has demonstrated a strong commitment to linguistic duality and official language minority communities. Budget 2007 invested an additional \$30 million for cultural, after-school activities and community centres. This was on top of the \$642 million over five years that was provided in the Action Plan for Official Languages for the promotion and development of official languages.

[Translation]

Senator Tardif: In light of Mr. Fraser's statements, are we to conclude that this government is all talk and no action and that it is not fully assuming its responsibilities under the Official Languages Act, for instance, by suspending the work of the House of Commons Standing Committee on Official Languages?

[English]

Senator LeBreton: I do not believe the honourable senator can assume, or presume, any such thing. I wish to point out to Senator Tardif that, since taking office, we have announced significant support for official language minority communities and linguistic duality: \$1 billion over four years, until the year 2009, in education agreements with the provinces and territories; \$64 million over the next four years, up until 2009, in agreements with the provinces and territories for services; and \$120 million in agreements for the official languages minority communities. I do not think it is correct for the honourable senator to stand here in this chamber and state that this government is not fully supportive and, indeed, fully committed to official languages and linguistic duality.

[Translation]

REPORT OF COMMISSIONER—RECOMMENDATION TO CREATE MINISTERIAL PORTFOLIO

Hon. Jean-Claude Rivest: Honourable senators, the report of the Commissioner of Official Languages was tabled today. I realize that not everyone has read it yet. However, an important recommendation was made by our late colleague, Senator Jean-Maurice Simard, and by various minority community representatives, whereby the government should have a minister responsible for official languages with considerable power and that this responsibility should be assigned to the President of the Privy Council, who has authority over all the departments.

The current government has entrusted the responsibility of official languages to a specific minister — who is doing her job — but she is one colleague among many. She does not have a supra-ministerial authority and the Commissioner of Official Languages — as you will see when you read the report — has put tremendous emphasis on the importance of official languages practice. He has very strongly recommended that the government return to the former structure and assign the responsibility of

official languages to a Privy Council minister, perhaps, who would have horizontal authority over all government departments. This is extremely important to Canadians living in a minority situation.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As I mentioned previously, we welcome the report of the new Commissioner of Official Languages. The government has made many commitments to linguistic duality and official languages. The specific reference made by the Honourable Senator Rivest is one that I am quite certain the government will carefully study. The Commissioner of Official Languages is an officer of Parliament and, as such, reports to Parliament.

• (1440)

I must say that I was disappointed that, somehow or other, as parliamentarians in general, the NDP gained access to this report before other parliamentarians. That is another matter.

With regard to the honourable senator's specific question, it is a valid one and I will be happy to seek an answer for him.

JUSTICE

ABOLITION OF COURT CHALLENGES PROGRAM

Hon. Pierre De Bané: First, I would like to commend the Prime Minister for always speaking in both of the official languages recognized in our Constitution, in Canada and abroad. This is absolutely admirable.

Second, I would like to urge the Leader of the Government in the Senate to reinstate the program allowing minority communities, both in Quebec and in the rest of Canada, to be able to use legal means to affirm their rights. One cannot, as our Deputy Leader has said, overstate the importance of that program. We all know those communities are short of funding and that it costs a great deal to take legal proceedings.

I would urge the Leader of the Government in the Senate to reconsider the reduction of funding to that program.

Senator Tardif: The elimination of it.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I share the honourable senator's pride in the Prime Minister. I am envious of him. Although I can personally read French, I have never managed to speak French, and it is one of my real regrets. The Prime Minister has done an incredible job. All over the country, more often than not, he will begin speaking in French.

With regard to the Court Challenges Program, as the honourable senator knows, there is a case involving the Court Challenges Program before the courts at the present time. In view of that, it would be inappropriate for me to comment. However, I will be happy to make the honourable senator's views known to my colleagues.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

WORLD BANK—SUPPORT FOR PRESIDENT

Hon. Peter A. Stollery: Honourable senators, the President of the World Bank, Mr. Paul Wolfowitz, is mired in a scandal involving payments to his girlfriend.

[Translation]

The position of the President of the World Bank is becoming increasingly precarious. The World Bank ethics committee has accused him outright of breaking the organization's rules by giving an outrageous salary increase to his girlfriend.

[English]

I would add, honourable senators, that the committee looking into the matter has reported whether, as quoted from their confidential report, Mr. Wolfowitz "... will be able to provide the leadership needed to ensure that the bank continues to operate to the fullest extent possible in achieving its mandate."

We are told via the *New York Times* that Canada is one of only three countries supporting Mr. Wolfowitz. I appreciate that the Leader of the Government in the Senate may not be aware of this action. However, we would like corroboration as to whether or not we are one of only three countries supporting Mr. Wolfowitz in his problems with the management of the World Bank.

I want to add that the World Bank is an organization with 23,000 employees, and is important to Canada.

• (1445)

Senator St. Germain: Do you support him, senator?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Far be it from me to be answering for the World Bank. Obviously, I saw the news reports today. I am not aware of the story in the *New York Times*. Although we are participants, the World Bank obviously will adjudicate and deal with this matter in their own way.

However, I will be happy to pass on the honourable senator's comments to my colleagues and provide him with the response of the government.

Senator Stollery: Honourable senators, I would like to point out to the Leader of the Government in the Senate that our executive director on the World Bank is appointed by the Minister of Finance and effectively, as an ambassador, would be carrying out the instructions of the Minister of Finance. It is a specific question: Is the Minister of Finance giving instructions to his representative on the board of the World Bank to support Mr. Wolfowitz, as one of only three countries in the world who are doing so?

Senator LeBreton: I thank the honourable senator for his question. I will take it as notice.

FINANCE

CHANGE TO FORMULA FOR EQUALIZATION
TRANSFERS TO PROVINCES

Hon. Wilfred P. Moore: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last Thursday, in response to a question from Senator Callbeck, the Leader of the Government said that the Harper government "ensures equal support for all Canadians, no matter where they live, and ensures equal treatment of all provinces and territories."

The Harper budget is based on a per-capita distribution of cash transfers to the provinces under the Canada Social Transfer. This fiscal year, my province of Nova Scotia will receive \$6.5 million more than it received last year when the CST was based on an equity-adjusted tax point formula. Commencing this year, however, Alberta will receive \$3.44 billion more than last year.

Would the Leader of the Government in the Senate please advise as to the details in the Harper budget wherein Nova Scotia will receive the \$3.37 billion to bring it to the same equal support that Alberta is to receive?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I did read the honourable senator's column in whatever newspaper it appeared. I will take the specific question as notice and provide a delayed answer.

Senator Moore: I also ask that the leader table the study that must have been conducted by the government to demonstrate the need for Alberta to receive this additional \$3.44 billion per year, and the impact of that transfer on the ability of each province to provide comparable services to its people.

Senator LeBreton: I will add that request by the honourable senator to the request for details.

REVIEW OF COST OF FOREIGN ACQUISITIONS—
TAX LOOPHOLES

Hon. Jeremiah S. Grafstein: My question is for the Leader of the Government in the Senate. Let me return to the budget-related matter of the interest deductibility of Canadian foreign subsidiaries, which continues to reverberate in the economy. The Department of Finance appears to remain transfixed or almost obsessed by the so-called "double dipping" by Canadian corporations abroad. Should the minister not be addressing goals to assist these Canadian companies to become more competitive, since the so-called "double-dipping" abroad does not in any way, shape or form affect tax revenues in Canada but reduces their effectiveness and competitiveness at home and abroad?

• (1450)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I believe that Minister Flaherty clarified the situation in a speech to the Toronto Board of Trade yesterday. In his speech, he announced — the government's plans to improve tax fairness by closing loopholes for multinational corporations and using the revenue to further reduce business taxes in Canada, thus helping not only corporations in Canada but all other Canadian taxpayers.

We are improving tax fairness for Canadians by stopping multinational corporations from using tax havens to double dip by claiming two expense deductions for only one investment. As an ordinary Canadian taxpayer, I find this to be something that is quite reasonable, and I am sure most Canadians would see it as only fair. Why should corporations be allowed to claim two deductions for only one investment? Minister Flaherty stated that ensuring big corporations pay their fair share of taxes means that taxpayers will no longer be indirectly subsidizing the international operations of big corporations. Who could argue with that?

Senator Grafstein: The Leader of the Government in the Senate has indicated that the ministry is interested in closing tax loopholes. Despite the ministry's assurances, however, there is still confusion in the marketplace today with respect to the minister's statements yesterday in Toronto.

With respect to closing tax loopholes, one glaring loophole, is: The ministry has taken no steps to immediately eliminate debt dumping of foreign subsidiaries in Canada that does directly reduce Canadian tax revenues in a natural tax shelter. Is this fair to Canadian corporations here or abroad?

The Hon. the Speaker: Honourable senators, reading the time from my new watch, Question Period is over.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Atkins on March 22, 2007, regarding transport, reports of the Standing Senate Committee on National Security and Defence on airports and seaports, and responsibility for security.

TRANSPORT

REPORTS OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON AIRPORTS AND SEAPORTS— RESPONSIBILITY FOR SECURITY

(Response to question raised by Hon. Norman K. Atkins on March 22, 2007)

Although the question at hand deals with the machinery of government, Transport Canada has been very active on the airport security file in the past year:

- We moved quickly in August 2006 to respond to a potential threat from terrorist use of liquids and gels aboard aircraft, and established rules in conjunction with the U.S. and Europe to make it easier for passengers to comply while, at the same time, address this new threat.

- All air passengers are screened every time they enter a sterile area. Non-passengers and airport employees are screened on a random basis because they have each gone through a security clearance check.
- A new development this year is the Restricted Area Access Cards (RAIC), issued once comprehensive background checks have been completed. The card can be cancelled if law enforcement authorities find adverse information on an individual.
- A restricted area identification card (RAIC) uses two biometric identifiers. This is required for all persons who access airport-restricted areas. The RAIC will verify that the person who was issued the card is the same person presenting the card at a restricted area access point, that the card is valid and the individual has a current security clearance. Airport personnel who are issued the RAIC are subject to access control requirements.
- Today, 100 per cent of the air cargo on passenger aircraft is subject to a range of security controls, which may include search. The department is focusing its efforts to enhance the security of cargo, including security applied from customer to aircraft, i.e., the supply chain, in cooperation with other countries.
- Budget 2006 also provided \$26 million over two years for the design and pilot testing of an air cargo security initiative including the development of measures to ensure cargo security throughout the supply chain, as well as the evaluation of screening technologies. Work on enhancing this important aspect of the aviation system is underway.
- Budget 2006 also provided \$133 million over two years for CATSA to address increase passenger traffic, and to replace aging equipment.
- Passenger Protect is a new program that should start in the Spring/Summer of 2007. It will use law enforcement and intelligence information to stop people who pose a threat to a flight from boarding adding yet another layer of security.
- Canada exceeds International Civil Aviation standards by requiring that all hold baggage on international flights be screened as of January 1, 2006 as well as on some domestic flights.
- Equally important, Transport Canada works closely with the RCMP, CSIS and CBSA on an ongoing basis, and takes steps, as necessary, to address specific threats identified by these agencies.
- Cooperation between Transport Canada and law enforcement agencies, including the RCMP, signals the Government's commitment in removing the elements of organized crime in Canada's airports and ports environment.

ANSWER TO ORDER PAPER QUESTION TABLED

ENVIRONMENT—
PRIVATE PROPERTY IN NATIONAL PARKS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 22 on the Order Paper—by Senator Spivak.

[English]

PAGES EXCHANGE PROGRAM
WITH HOUSE OF COMMONS

The Hon. the Speaker: Before proceeding to Orders of the Day, I would like to introduce one House of Commons page participating in the page exchange program this week. Jessica Harris is from Prince Albert, Saskatchewan, and she is studying at the faculty of social science at the University of Ottawa, where she is majoring in political science.

[Translation]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Meighen, for the third reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Hon. Mobina S. B. Jaffer: Honourable senators, I am pleased to speak today at third reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

When I spoke at second reading of this bill, I stressed the fact that it was very different from the text tabled by the government in the other Chamber. The original bill would have completely taken the power away from the judges to impose a conditional sentence of imprisonment for offences punishable by a maximum sentence of 10 years or more. A number of offences would therefore not have been eligible for conditional sentences.

This is the bill, amended by the opposition parties in the other place, before us today. This version of the bill, which I think is better than the previous one, eliminates the possibility of a conditional sentence in offences involving serious personal injury, terrorism and organized crime, which are prosecuted by indictment and punishable by a maximum sentence of 10 years.

[English]

Bill C-9 creates a substantially smaller list of offences for which conditional sentences will no longer be available, thus maintaining the discretion of judges but still sending a strong message from Parliament that we do not believe conditional

sentences are appropriate for certain violent and subversive crimes.

Despite the substantial improvements to this bill, it continues to raise some broader issues that I believe need to be addressed. Many of these issues were raised in the Legal and Constitutional Affairs Committee, and I would like to take some time to elaborate on them. What is more, it must be taken as part of a larger package of reforms to the Criminal Code as part of the government's crime agenda.

[Translation]

In the speech I gave at the second reading of this bill, I spoke of my personal experience regarding conditional sentencing, particularly concerning specific cases I was involved in as a lawyer, cases in which I felt that conditional sentencing had been useful and appropriate. Having since had the opportunity to carefully examine this bill in the context of the Standing Senate Committee on Legal and Constitutional Affairs, I can assure you, honourable senators, that a good number of my impressions have been confirmed. We heard convincing testimony concerning the effectiveness of conditional sentences and their ability to guarantee a justice system that works. We were also given statistical data that seems to confirm the effectiveness of such sentencing since its introduction in 1996.

[English]

Though I am very much in favour of the changes made to this bill in the other place, I was prepared to proceed in the Standing Senate Committee on Legal and Constitutional Affairs, as Senator Tkachuk suggested in his speech at second reading. He had suggested that we consider certain amendments to improve the bill in a non-partisan way. However, when the Minister of Justice appeared before our committee, he told us that his department was now satisfied with the bill now before us. Though they continued to prefer the original version, it was felt that further changes would only cause unnecessary delays in moving the bill forward.

I commend Minister Nicholson for acknowledging the wisdom of the other place in improving this bill in the spirit of a minority Parliament. He told the Legal and Constitutional Affairs Committee that despite his preference for the original bill, this legislation still sends a message from Parliament about the types of offences that should be considered for a conditional sentence of imprisonment, while recognizing that a conditional sentence order can be an effective and sensible sanction for many non-violent offences.

That is the point that I attempted to make when I spoke at second reading. Over the course of my career as a lawyer, I have seen numerous instances where conditional sentences are not only useful but are far more appropriate than a sentence of imprisonment.

I want to underscore, as the minister did, that a conditional sentence is still a restriction on the freedom of an offender.

[Translation]

Other witnesses also brought this to the attention of the Standing Senate Committee on Legal and Constitutional Affairs, as well as noting that the Supreme Court regards conditional sentencing as a form of punishment.

The supporters of the first version of the bill spoke at length about how the public perceives conditional sentences and the need to respond to the concerns of Canadians, who seem to have the impression that criminals are getting off lightly with conditional sentences or with what is commonly referred to as house arrest.

[English]

Honourable senators, after hearing the testimony put to us on the Standing Senate Committee on Legal and Constitutional Affairs, I am forced to conclude that conditional sentencing may have become something of a lightning rod for broader criticisms of our sentencing systems. The criticisms seem to be based mostly on people's initial reactions to conditional sentences when they are handed down for particular crimes without any knowledge of the specifics of a given case. In fact, over the course of my research on this subject, I discovered a number of polls conducted on the subject of sentencing that were quite enlightening.

• (1500)

For instance, an Angus Reid poll on the subject of sentencing, conducted in 1999, showed that relatively few Canadians could correctly identify what a conditional sentence order was from a list of options. What is more, even when they had been given a description of a conditional sentence, the poll found that the more specific information those polled had about a given case, the more likely they were to agree that a conditional sentence was an appropriate option.

One of the witnesses who appeared before the Standing Senate Committee on Legal and Constitutional Affairs, Dr. Anthony Doob, had conducted research that showed similar results.

[Translation]

We heard repeatedly in the committee that conditional sentences were either working extremely well, or were at the very least not the problem. André Rady, a member of the board of the Canadian Council of Criminal Defence Lawyers, told us:

Conditional sentencing can be very onerous. . . They can continue to go to school or what have you, yet they are still restricted. They do not get to go to the movies, hockey games, et cetera, and are effectively confined to their house for the term of the conditional sentence.

Despite that we may think it is probably nicer in most homes than in a jail cell, it can still be onerous. The Supreme Court has said conditional sentencing still acts as a deterrent. To a lot of people, a conditional sentence can be quite tough.

This is not to argue that a conditional sentence is as harsh as jail time.

[English]

Though there certainly have been cases where the strict conditions of a conditional sentence may have caused some offenders to wonder if a jail sentence might not have been preferable, there is no question that at the time of sentencing most offenders would prefer a conditional sentence over imprisonment. However, when we talk about conditional sentences, we must

remember that we are talking about a very real punishment. Conditional sentences are not the same as suspended sentences or even probation; they are serious restrictions on an offender's liberty.

Another problem with the argument against conditional sentencing is that it seems to assume the harshest penalty is always the most effective or appropriate. The Standing Senate Committee on Legal and Constitutional Affairs heard numerous reasons to believe that this is not the case.

Honourable senators, perhaps the most compelling argument was the hard data offered by representatives from the Canadian Centre for Justice Statistics, who told us that those who had been given conditional sentences were significantly less likely to reoffend than those given prison terms. This could be because those who were given conditional sentences come from a group of offenders who pose the least risk of reoffending, or it could be that conditional sentences are working to ensure the offender is properly reintegrated into society. Most likely, honourable senators, the reality is a combination of the two.

Whatever the cause, this statistic would seem to show that judges are exercising their discretion properly when handing out conditional sentences, taking the likelihood of a reoffence and the rehabilitation of the offender into account when deciding on the appropriate punishment.

Mr. Russell Silverstein, Director of the Canadian Criminal Lawyers Association, told the committee that it is his experience that prisons can actually have the reverse effect of increasing the likelihood of reoffending. He further told us:

If you abolish conditional sentences, that will have a negative impact regardless of which way the cause is flowing. If there are those who will not reoffend and are given conditional sentences and do not reoffend because it is in their character, putting them in prison will increase the likelihood that they will in fact reoffend. We know that amongst those who are incarcerated, there is a high level of recidivism. You only need to go to the jails and see the life there to determine why the drug culture and fraternity of criminality in jails breeds criminality amongst those who only have their toe in the water of criminality.

Honourable senators, when I spoke previously about this bill, I noted that there can be many practical reasons in any individual case that might make a conditional sentence more appropriate. These could include the need for an individual to continue working to support dependents, attend counselling or even avoid incarceration because of the specific psychological effects they may have on some individuals.

The Canadian Centre for Justice Statistics and other witnesses before the committee confirmed that conditional sentences often serve these purposes better than prison sentences. Part of this has to do with the fact that those given conditional sentences are generally under supervision longer than those in prison in cases who would have been eligible. In fact, the Canadian Centre for Justice Statistics told us that those given conditional sentences were under supervision for approximately twice as long.

Honourable senators, if Canadians knew these facts about conditional sentencing, I cannot help but think many more would feel that these sentences are not only useful, but appropriate punishments in many cases.

[Translation]

I want to speak to at least one of the observations that the committee included in its report. I mentioned in my speech at second reading that Bill C-9, along with other bills that have been put forward by this government, are likely to have a serious impact on our legal aid system.

Though legal aid is primarily a provincial concern, those systems are run with a substantial contribution from the federal government. For many years now, provincial attorneys general and stakeholders involved in providing legal aid have been calling for this funding to be increased.

[English]

Though the federal funding agreement for legal aid was extended for an additional five years in the recent budget, this only continues the same inadequate funding that has been in place for some time without so much as an adjustment for inflation. Another five years at this level of funding is considered by many to be unsustainable, even without the impact from bills such as this one. According to the testimony that the committee heard when studying this legislation, the impact would be very real. The Canadian Centre for Justice Statistics told us that 90 per cent of all conditional sentences come as a result of guilty pleas. Many, if not most, of these pleas are likely the result of bargains between defence lawyers and Crown prosecutors. While these plea bargains are not binding on a judge, they are generally respected in practice. When an offender pleads guilty, it can prevent a lengthy trial process and save our system a massive amount of time and money.

Honourable senators, the defence lawyers who testified before the Standing Senate Committee on Legal and Constitutional Affairs told us that without these types of arrangements our current system would not even be able to function. They were all of the view that the chances of a guilty plea increased dramatically when an offender knows a conditional sentence is an option. Simply put, if we remove the possibility of a conditional sentence, that will have the effect of reducing the number of guilty pleas and placing a much greater burden on our criminal legal aid system.

Moreover, as there are rules and minimum standards governing our country's criminal legal aid system, costs are certain to increase. The money must come from somewhere; and if it does not come from the federal government, one of my great fears is the cost of the criminal system will be covered by the civil legal aid system. This means that the ones who suffer will be people such as single mothers trying to collect back child support.

The Hon. the Speaker: I regret to advise the honourable senator that her 15 minutes' of time has expired.

Senator Jaffer: Honourable senators, I thought I was the critic for this bill and so I had a longer period of time.

The Hon. the Speaker: The honourable senator could ask for an extension of time.

Senator Jaffer: May I please have 10 minutes?

The Hon. the Speaker: The honourable senator is requesting unanimous consent for additional time.

Some Hon. Senators: Agreed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Hon. Anne C. Cools: She asked for 10, Your Honour.

Senator Comeau: Five minutes.

• (1510)

The Hon. the Speaker: Honourable senators, order. To make the matter perfectly clear, pursuant to rule 37(3) of the *Rules of the Senate of Canada*, the sponsor of the bill has 45 minutes and the first senator speaking thereafter has 45 minutes. Last week, the Honourable Senator Joyal, I believe, spoke after the sponsor of the bill and, therefore, would have used his 45 minutes.

As is her right, the Honourable Senator Jaffer is asking the house for unanimous consent to extend her speaking time. The Deputy Leader of the Government is indicating five minutes. Honourable senators, is there unanimous consent?

Senator Jaffer: May I respectfully say that I understood His Honour to say, when he made his ruling on the matter, that a senator could ask for the time. Perhaps I am mistaken but when a senator asks for more time, the ruling was that the Speaker would respect the time. I would ask, in light of the Speaker's ruling, that I be given ten more minutes.

Senator Comeau: Five minutes.

The Hon. the Speaker: The honourable senator is asking for unanimous consent for an additional ten minutes. Is there unanimous consent, honourable senators?

Some Hon. Senators: No.

Senator Cools: Honourable senators, if I may make an intervention, I do not believe that the intent of the *Rules of the Senate of Canada* is to convert a senator into the position of mendicant before the Deputy Leader of the Government in the Senate. I do not believe for a moment that is the spirit or the intent of the rule.

It is my understanding that the Speaker's intent expressed in his ruling was to promote and to encourage senators to ask for the amount of time that they require and that it be properly considered without an intervention from the Deputy Leader. It is undesirable and unkind. This place is operating under a strange set of circumstances with the shortage of Conservative senators such that the debate becomes automatically truncated, and many Liberals carry the responsibility of sustaining debate in a substantive way. On the Conservative side, in terms of the elucidation of bills, I see nothing wrong happening, but perhaps the Deputy Leader sees life differently.

The Hon. the Speaker: Order, honourable senators, please. No point of order has been raised that I have heard yet. The situation is clear to the house. A request for leave to continue was made by

the honourable senator who had the floor. Leave was not granted. The role of the Speaker is to facilitate the following of the rules, and that is where it stands.

The usual practice of the house is to extend speaking time for five minutes but I will not interfere because all honourable senators are familiar with that practice. It is up to Senator Jaffer to make the request. She has made one request and leave was not granted. I do not know whether she wishes to ask again.

Senator Jaffer: Honourable senators, I ask for five minutes.

Senator Comeau: Agreed.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Jaffer: Honourable senators, the money must come from somewhere and if it does not come from the federal government, one of my great fears is that costs of the criminal system will have to be covered by the civil legal aid system. This means that the ones who suffer will be single mothers trying to collect back child support, new Canadians seeking legal services in their native languages and divorced fathers seeking access to their children.

Conditional sentences are handed down in 6 per cent of all convicted cases. However, when we consider that currently 10 per cent of all criminal cases reach trial, it is easy to understand the burden that even a slight shift could place on the system. I would once again urge the government to heed the advice of this all-party report and increase the federal contribution to legal aid funding.

I will tell honourable senators what Mr. Rady said about a case, *R v. Hotten*, when he appeared before the Senate Legal Committee. Mr. Rady talked about what a difference it made for a young person to have the benefit of conditional sentencing.

[Translation]

I quote:

Hotten was a young man who set fire to the Salvation Army church in London, Ontario, causing \$900,000 in damage. He was found in North Bay, because his parents were worried about him and afraid he might kill himself. The police in North Bay found him and wanted to take him to the psychiatric hospital. "You should put me in prison. Here's the lighter I used to set fire to the church". He pleaded guilty and was given a conditional sentence.

This young man has now served his full sentence, during which time he has completed his degree in music at McMaster University. He is now making a living as a teacher and doing everything he can to repay the \$900,000. I believe he has already paid back more than \$100,000 thanks to money saved by members of his family.

He was a fragile young man who likely never would have recovered from a term in prison. Very seldom does someone convicted of arson not go to prison, but in this case, strict house arrest and court-ordered treatment were successful, despite the seriousness of the crime. I can say that this case

was a success, because he has put the incident behind him and has done what society expected of him, which is to rehabilitate himself and repay the victim.

Honourable senators, I believe that this is a perfect example on which to conclude. I will just add that sentencing is an extremely complicated issue and that we should be very careful when we consider taking away our judges' discretionary power.

[English]

Honourable senators, I look forward to further examination of these important issues by the Standing Senate Committee on Legal and Constitutional Affairs. Once again, I commend parliamentarians on all sides to strike an appropriate balance on Bill C-9 that I will be able to support at third reading.

Honourable senators, I am disappointed with the way in which matters have been covered in this place. I hope that the Senate will return to non-partisan ways in the future, like the way in which I addressed Bill C-9.

Hon. Sharon Carstairs: Honourable senators, I say with deep regret that this place has treated Senator Jaffer badly and, therefore, I wish to take the adjournment of the debate so that I may finish her speech tomorrow.

On motion of Senator Carstairs, debate adjourned.

FIRST NATIONS LAND MANAGEMENT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, for the second reading of Bill S-6, to amend the First Nations Land Management Act.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (1520)

ACCESS TO INFORMATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Fraser, for the second reading of Bill S-223, to amend the Access to Information Act.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, as parliamentarians, it is our obligation to always act in the public interest. Canadians have a right to expect that we will responsibly spend the taxes that we collect from them for the collective good of our society, for collective social programs, for collective security, and so on. Canadians have a right to expect that the legislation we pass in Parliament is designed to improve our society.

As parliamentarians, we may differ on the best policies and means to achieve the optimum goals for our society. We have different parties that offer differing proposals to consider. Generally, parliamentarians react to legislation depending on the caucus to which they belong. That is understandable because the party caucuses seek internal party consensus on public policy proposals.

Fortunately, Bill S-223 is not the consensus proposal of a party but, rather, the proposal of an individual senator. I would ask all honourable senators, therefore, to critically evaluate Bill S-223 through that lens. I would suggest that this is not the type of bill that can be accepted in principle and then sent on to the committee to be fixed. This bill runs counter to Canadians' expectation of accountability. In fact, it would water down our capacity for accountability.

Canadians are not voyeurs. They do not necessarily want to get into the gritty and raw details of professional audit papers. They want to be assured that professional parliamentary auditors are provided with the means to pursue investigations in order to safeguard their collective interests.

Senator Milne says that the intent of this bill is "to provide sensible changes to Canada's new and badly flawed access to information regime." The provisions of Bill S-223 were proposed as amendments to Bill C-2, the Federal Accountability Act at committee stage and the Auditor General argued that the provisions would reduce, not increase, accountability. The Auditor General, in fact, convinced members at committee to drop the amendments which are the basis for Bill S-223.

It is not my intention to question Senator Milne's motivation. What I will point out, however, is the consequences of her proposed amendments, amendments that will seriously weaken the audit and investigatory capacity of the Auditor General and the Official Languages Commissioner by requiring the release of records created during an investigation. This would immediately undermine an investigator's ability to guarantee anonymity to potential witnesses.

Those in this chamber who have followed and supported the work of the Commissioner of Official Languages can attest to the value of the audit function of the commissioner to advance the cause of linguistic duality in Canada. We all agree that this is a fundamental Canadian value.

[*Translation*]

My colleagues in the Standing Senate Committee on Official Languages will be very aware of the consequences of these amendments and I hope they will express their opposition.

We have just concluded a study to protect the rights of public servants to work in their mother tongue. Bill S-233 will remove this protection that is so important to them.

The Official Languages Act clearly indicates that the information obtained in an investigation must be kept secret. Section 72 states:

Subject to this Act, the Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

[*English*]

Section 72 of the Official Languages Act therefore allows professional audits to be done without compelling the public disclosure of sensitive raw audit data. This protects the investigator, the person being investigated, and the witnesses, and provides for a full and extensive audit by professionals.

[*Translation*]

The confidentiality of matters addressed following a complaint, for example, is a standard working practice in the office of an ombudsman. Not only is this normal, but it is essential to the proper functioning of such an office. This is an internationally accepted approach. It is not a purely Canadian invention; it is done all around the world.

In the case of the Commissioner of Official Languages, this standard becomes even more important when government employees file complaints because their right to work in the official language of their choice in certain regions of the country, pursuant to the provisions of the act, is not always respected. Quite often, complaints filed in these matters are about the employees' immediate supervisor. It goes without saying that for professional reasons, these employees want to avoid being identified at all cost. They naturally fear the possible consequences to their career.

Bill S-223 would create an incentive not to file a complaint. This would go against the primary purpose of the Official Languages Act, which is to respect the linguistic rights of Canadian citizens.

[*English*]

The Federal Accountability Act will significantly improve the Access to Information Act by increasing coverage and oversight of the act and by improving the access request process. However, one cannot forget that any reforms to the Access to Information

Act need to be carefully crafted. This is because the Access to Information Act balances two competing interests, that is, the citizen's right to know and the need to protect certain types of information in the public interest. This balancing act is delicate and complex, which is why any changes to the act can only be made after extensive study, research and consultation, so that one interest does not, in the end, upset or override the other.

For example, we must not forget that the goal of the Access to Information Act is not to sacrifice the competitiveness of Crown corporations or to impede the core mandates of the agent in order to increase access to information. Canadians' "right to know" must be balanced with the need to keep certain sensitive information private, so that government institutions may properly function. This is why additional protections were given to the agents of Parliament in Bill C-2. The Access to Information Act did not provide clear protection for certain of the agents' sensitive information, especially information related to their investigations, audits and reviews. The agents require these exemptions so that they can effectively carry out their core mandates. As such, additional protections were provided for these types of information.

Specifically, section 16.1 was added to create a mandatory exemption for records containing information obtained or created by four of the agents — the Auditor General, the Commissioner of Official Languages, the Information Commissioner and the Privacy Commissioner — in the course of their investigations, examinations and audits.

Section 22.1 was added to clarify that draft reports and working papers related to internal audits of government institutions may be withheld from disclosure for 15 years, except that draft reports may not be withheld where the final report of the audit has been published or is not delivered within two years.

Honourable senators, Senator Milne is proposing to weaken these two exemptions. She also wants to add to the act a general, broad, public interest override. I believe these amendments, if passed, will weaken the Access to Information Act.

Section 16.1 deals with audits and investigations. The first change that Bill C-223 proposes is to amend this section to provide for increased access to information created by the Auditor General or the Commissioner of Official Languages in the course of conducting investigations and audits.

As noted earlier in my comments, the Auditor General and the Commissioner of Official Languages would not be able to refuse, under that section, to disclose records containing information that was created in the course of an audit or investigation once that audit or investigation is completed.

• (1530)

The Auditor General herself made it clear that providing for the release of audit working papers in this way will irreparably damage the ability of her office to carry out effective audits. This amendment would mean that her office could not promise confidentiality to anyone considering disclosing the suspicions of wrongdoing to an auditor. Under the provisions of this act, the auditor would have to inform interviewees that their identity and

comments are subject to public disclosure, regardless of the results of the audits. Public servants or others who have observed suspicious activities will no doubt stay silent because of this public exposure at the end of the audit.

Few people are professional auditors. Few have training to evaluate the legal implications of their suspicions, but most public servants would be sufficiently aware of the consequences to their future employment prospects if they were informed that their observations on their employer or fellow workers would be made public. This amendment could also mean that the auditors would become reluctant to report any theories, unproven allegations or disputed conclusions. How could accountability and transparency be strengthened by such an amendment?

The mandate of the Auditor General is to provide independent information and advice to Parliament to help hold the government to account for stewardship for public funds. The amendment to subsection 16.1(2), if passed, would severely weaken the ability of the Auditor General to carry out her important mandate. I submit that we should not undermine the Auditor General by supporting this amendment.

The second amendment proposed in the bill is to amend subsection 22.1(2) to provide for increased access to audit working papers related to internal audits of government institutions. Again, I must stress that section 22.1, which is a new section added through the Federal Accountability Act, was not added without much thought or consideration. It was not added arbitrarily. There was simply not enough protection in the Access to Information Act for the extremely sensitive internal audit information of government institutions.

Section 22.1 currently protects internal audit working papers for 15 years and draft reports until the completion of the audit, since these records may contain erroneous or unsubstantiated information. It is also intended to provide a time-limited protection for information provided to internal auditors in order to encourage free and frank disclosure of potential issues of concern which may arise during the audit.

Honourable senators, I believe the proposed amendment to section 22.1 would seriously weaken the internal audit capacity of the government by permitting the disclosure of "related audit working papers" in addition to "draft reports" under the Access to Information Act where a final report has not been delivered within two years. In effect, this amendment would remove the protection for internal audit working papers once the final audit report has been published.

I should note that the Comptroller General has made it clear that providing for the release of audit working papers in this way will irreparably damage the ability of internal auditors to carry out effective audits. This amendment would mean that internal auditors could not promise confidentiality to anyone considering disclosing their suspicions of wrongdoing to an auditor. Also, auditors would become reluctant to record any theories, allegations or conclusions before they are proven.

Honourable senators, I ask you: Do we want to weaken the ability of internal auditors to do their job? How can we have increased government accountability if auditors are not able to fully explore all theories and allegations when conducting their audits? How can auditors do their jobs if they are not told of

suspicious actions? This amendment, if passed, would effectively constrain internal auditors so that they could not do their work. Would inaccurate internal audits lead to a more open and effective government? Obviously not.

The third amendment to Bill S-223 is to provide an override to the Access to Information Act. I cannot stress enough the negative impact this amendment could have on the Access to Information Act. The Access to Information Act was set up to ensure a careful balance between mandatory and discretionary exemptions. This amendment would upset this balance by giving the heads of institutions the discretion to override mandatory exemptions. As such, the amendments would undermine the policy choices that were made when the act was developed.

Further, certain mandatory exemptions such as those for personal information and third-party trade secrets already have discretionary public interest tests attached to them. It is not clear how this broad, undefined override would interact with those other overrides. I would also note that this amendment would, in effect, give the Information Commissioner order-making powers, as he would be able to disclose records obtained from other government departments and institutions, created or obtained in the course of his investigations, and which would be otherwise subject to mandatory exemption.

Honourable senators, I believe that all parliamentarians are committed to accountability and transparency. Bill C-2, the Federal Accountability Act, went to great lengths to accomplish that goal. It is my opinion that the amendments made by the Federal Accountability Act to the Access to Information Act has strengthened that act while carefully maintaining the act's balance between access to information and the necessary protection of certain sensitive government information.

Honourable senators, as I noted earlier, Canadians are not necessarily clamouring to get involved in the nitty-gritty, raw details and scandals that might be produced from such papers. They want to be assured that our auditors are professional and know how to do their jobs. It is obvious that Bill S-223, which purports to increase transparency and accountability in the government, fails in its application. Instead of making the government more transparent, it could create situations in which audits and investigations could not be properly conducted. Instead of maintaining the Access to Information Act's balanced exemption structure, it asks for a public interest override that could undermine the government's assurances, for example, to its citizens and other governments that it can safeguard sensitive information that, in the public interest, should not be disclosed.

I therefore respectfully ask that honourable senators read this bill very carefully and I am confident that they will join with me in rejecting the bill before it goes any further.

Hon. Lorna Milne: Will the honourable senator accept questions?

Senator Comeau: Absolutely.

Senator Milne: Thank you, Senator Comeau. First, I will start by reminding the honourable senator that, in 2006, the Conservative Party of Canada publicly stated in their election platform that they were committed to expanding the coverage of

the Access to Information Act to all Crown corporations, officers of Parliament and organizations that spend taxpayers' money or perform public functions.

In June 2005, the leader of the Conservative Party, Stephen Harper, made the same commitment in an editorial in the *Montreal Gazette*. Each of these statements commits the Conservative Party to providing a general public interest override for all exemptions in order that the public interest should come before the secrecy of government, and to make exemptions discretionary and subject to an injury test.

If the leader of the honourable senator's party has twice committed to precisely what is contained in my bill, then why is he not also committed to supporting it?

Senator Comeau: I see your fan club is here. I am quite sure that he has read very attentively the provisions that the honourable senator is proposing in her bill.

Let us go over what the honourable senator is referring to as the Access to Information Act override that would be provided to the heads of corporations. If she carefully read the documents to which she refers, I do not believe that the Prime Minister was referring to heads of departments being offered the two override provisions of the Access to Information Act and the sensitive information that may be collected from Crown corporations and corporations that are in the competitive world. I do not believe that that is what he was referring to in improving information for Canadians.

Furthermore, I do not believe that the Prime Minister was referring to having the Official Languages Commissioner, the Comptroller General and the Auditor General divulge from whence they were getting their information during the course of their audits, and to start laying out names of people who have made complaints in order to improve the workings of government.

• (1540)

It can be Canadians in general, but in many cases, it can be people working within the departments who see suspicious behaviour that they might not be sufficiently wise to pursue on their own. Therefore, they can call in professional people, for example, professional auditors, to investigate the suspicious behaviour. Many investigations might come to nothing at the end. The people who provide information to auditors may not be sufficiently knowledgeable.

Again, it becomes a protection of those people who might not otherwise know how to pursue their suspicions. Under the current regime, without the exemptions of the honourable senator, it is proposed that the investigators can conduct their investigations without having to second guess, once they must make those documents public, under your proposals, the damage it might cause.

Senator Milne: I suspect that the honourable senator refers to the fact that they might be afraid of being carted off in handcuffs.

In the evidence before the committee, we found that no distinction is already made between working papers and draft audits with respect to documents created by the Auditor

General's office. These internal audits are conducted mostly by government departments, the entities to which the Access to Information Act was intended to apply. In the past, internal audits have been critical in bringing problems to the attention of senior officials in the federal government and to the Canadian public. For example, without this type of access, which my bill will continue to provide, the problems with the grants and contributions at Human Resources Development Canada, HRDC, would never have come to light.

Senator Comeau: Let me refer to the first part of the honourable senator's comments with respect to people carted off in handcuffs. The honourable senator must be referring to that young individual who has a website, which, I believe, calls for airplanes to fly into Centre Block, and without going into too much detail about website, they have some kind of a song. He belongs to a group that sings weird songs. The honourable senator might want to read some of the documentation on this young fellow.

Regarding individuals working for government departments who send off or fax secret documents from within their departments, if the RCMP, which takes orders from itself, has a wish to pursue these individuals, it has the right to do so. The RCMP does not take its orders from government. It acts on its own.

As for the second part of the honourable senator's comments, I am not sure I follow her objections. She says that by making it possible for people's names to be divulged publicly after the audit is completed, that will somehow be an incentive for people to report wrongdoings and suspicions. I am not sure if I follow her logic in the case of her amendment.

The Bill C-2 accountability act as it is now offers people protection in that their names will not be paraded on the public grounds of Parliament and in the newspapers. The act now provides an incentive for people to whistle-blow and report. In the case of the Commissioner of Official Languages, people can go to the commissioner and say, "My employer is not providing me with a workplace that is conducive to the practice of my official language. I would like you to investigate this."

The honourable senator is proposing that the name of this poor individual will become public, after the audit is done. That is what we are trying to avoid, and I am also trying to do so by rejecting completely the amendments that would cause these things to happen.

Hon. Anne C. Cools: I wonder if the honourable senator would take another question.

Senator Comeau: Yes.

Senator Cools: I was listening, and I thank the honourable senator for creating some interest on my part in this particular bill.

I wonder if he could expound on a couple of remarks he made. He kept saying that the amendments — I think he meant the bill — will undermine the role of the Auditor General, but he did not explain how. I wonder if he could tell me how the bill

proposes to undermine the role of the Auditor General. It not only undermines the Auditor General; he says it would also undermine the Auditor-General Act. I wonder if he could provide some explanation as to how that would be done.

Senator Comeau: If the honourable senator has been listening to my rather long speech on it, I think I repeated a couple of times that the Auditor General herself indicated that by having to release audit papers at the end of an audit — I think I am saying this for the fourth time — that it will be a disincentive for people to speak to the auditor. That also applies to one of the provisions to the Comptroller General, the internal auditors. Releasing audit papers will be a disincentive for internal audits to be done because it will be a disincentive for people to provide information to the Comptroller General. I repeat that people would be in the same position with respect to the Official Languages Commissioner.

[Translation]

Hon. Maria Chaput: Honourable senators, I share a number of your concerns about this bill. One of them has to do with the Commissioner of Official Languages.

If memory serves, Ms. Adam, the former Commissioner of Official Languages, once spoke of the importance of protecting both the identity of complainants and the information collected. I think she would say the same today if she was still in office.

My question is about the process you are recommending today. I do not have your experience, of course, but I would have thought beneficial to refer the amendment to the committee, which in turn would have called the Commissioner of Official Languages to explain why he disagrees with it. Should the commissioner have approved the amendment and the bill have come back to the Senate unamended, I would have had the opportunity to vote against it.

I just want to know why this process was preferred to the one normally used here?

Senator Comeau: This process was selected because, if we approve Bill S-223, this means that we accept it in principle.

In other words, as a chamber, we agree with Senator Milne's suggestions. We agree with the idea that audit records may be disclosed after an investigation is concluded and we accept the provisions in principle.

How could we do so, and then come back and say that we no longer agree? It is out of the question to make a few small changes and make the bill amendable. It cannot be amended.

That is why I am proposing that we reject it in principle, because this particular bill cannot be amended in such a way as to adequately address my concerns about the Commissioner of Official Languages. Having been an internal auditor myself, I know how important it is to be able to reassure people that their comments will not be disclosed.

• (1550)

I can imagine how worried the Auditor General and the Comptroller General must be. I think that, in principle, this bill is not acceptable.

Hon. Claudette Tardif (Deputy Leader of the Opposition): If this bill were passed, would it be easier or more difficult for the person who filed a complaint under the Official Languages Act — either for access to public services or for the language of work — to remain anonymous?

Senator Comeau: We could no longer guarantee anonymity. In other words, we would almost be forced to tell people filing a complaint that we could not guarantee that their name would not be publicly disclosed at the end of the audit.

Section 72 of the Official Languages Act makes it possible to guarantee that names will not be disclosed, which is an incentive to file a complaint. For example, an employee working at Transport Canada who cannot work in his first language can now file a complaint with the Commissioner of Official Languages and he remains anonymous. With this bill, anonymity would no longer be protected. At the end of the audit, the boss would know who filed the complaint.

If I were unable to obtain services in French from an RCMP officer in a region where there is a francophone minority, the last thing I would want to do is file a complaint against the RCMP, only to have them find out a few days later that I was the one who filed the complaint. We must protect and encourage people who, in other circumstances, would not be protected. This is another reason the bill cannot be improved.

[English]

Senator Cools: Could I be informed of how much time Senator Comeau has remaining?

The Hon. the Speaker: Senator Comeau has another 12 minutes.

Senator Cools: I thank Senator Comeau for awakening my interest in this bill. At the outset of his speech, he said that Canadians have an expectation of accountability. Could he tell me what the Canadian expectation of accountability is?

Senator Comeau: I feel like a class valedictorian.

If the senator had been listening to my opening comments, she would have heard that Canadians expect us to be mindful of the taxes we collect from them in order to provide security and services to society in general. On one hand, Canadians expect their parliamentarians and legislators to spend these resources wisely and, on the other hand, to enact legislation that will assist professional auditors, the Auditor General and others, in the protection of these resources.

They are asking that we empower auditors to go into the details of how their money is spent and to fix any problems that might arise along the way. I do not think Canadians want to know the details of the audit papers. They are asking that auditors be given the tools to do their work in order to protect their interests and their resources.

On motion of Senator Robichaud, for Senator Day, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I would like to speak to Bill S-222, dealing with human trafficking, the week after our coming recess.

Order stands.

DIVORCE ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved third reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Di Nino*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Anne C. Cools: I wish to speak to this bill and would like to move the adjournment of the debate.

Senator Comeau: Debate.

The Hon. the Speaker: I am about to put the motion to adjourn the debate moved by Senator Cools, but if another honourable senator —

Senator Cools: If the honourable senator wishes to speak now, I will adjourn the debate later.

Hon. Nancy Ruth: Honourable senators, I allowed this bill to proceed on division when it was in committee, and I wish to tell you why.

This is a bill about allowing access to their children to the terminally ill and those in critical condition before they die. On the face of it, this bill seems compassionate and absolutely gender neutral. However, it is an amendment to the Divorce Act, which impacts virtually everyone in Canada. Therefore, I must ask: Who are the spouses who do not have custody who will need this amendment to the Divorce Act? They are probably not men and women who share joint custody. My best guess is that they are the fathers who do not have custody.

Given that and the fact that the bill provides no definition of “terminal illness,” I fear that it may provide a back door to the issue of custody.

Terminal illness is not defined in this bill. I would be happier if it were.

• (1600)

For instance, would Parkinson's disease be seen as a terminal illness, which it is, while a person with Parkinson's could well live for a couple of decades or more? That is why I am concerned that this bill is an indirect road to changes in custody issues, and that is why I voted on division. I hope honourable senators will consider my comments.

Senator Di Nino: I would like to make a few comments on the bill.

Senator Cools: Who sponsored the bill here? If Senator Di Nino speaks, he will have the effect of closing the debate.

Senator Di Nino: No.

Senator Cools: Yes, if Senator Di Nino speaks —

Senator Di Nino: I have not spoken yet.

The Hon. the Speaker: Order. The chair is recognizing Senator Di Nino to speak in the debate.

Senator Di Nino: Honourable senators, Bill C-252, which seeks to amend the Divorce Act, would ensure that courts take into consideration the terminal illness or critical condition of a divorced parent when he or she seeks a variation in the access order in respect of his or her child. This bill was passed in the Standing Senate Committee on Social Affairs, Science and Technology on Wednesday, May 9, following a considered discussion with many thoughtful questions from honourable senators.

The committee testimony of the two Department of Justice officials who appeared along with the sponsor at the other place, the Honourable Member for Lethbridge, Rick Casson, reinforced our confidence in the soundness of this bill.

Under section 17 of the existing Divorce Act, a former spouse may seek a variation from the court in respect of custody and access made under a previous order of the act. Section 17(5) requires that the court be first satisfied that a change in the circumstances of the child has occurred. The addition of 17(5.1) by Bill C-252 will deem terminal illness or critical condition of a parent as a change in the circumstances of the child and enable that parent to overcome the initial threshold before a court will entertain making a variation order. The judge's inquiry regarding access then becomes a question of what is in the best interests of the child, the central test which is unchanged by Bill C-252.

Honourable senators, this amendment may result in some evolution of the jurisprudence, but a case-by-case determination will still be required before a change in access rights is granted. It will be the judges, dispassionately sifting through all available facts, who will have the final say but, by filling in this gap in the Divorce Act, they will at least have to consider the illness of a parent in making their determination, whereas now they may disregard it.

Whether a precise legal test is developed to define "critical condition" or "terminal illness" is not known at this time, but that will be left to the courts. Unless jurisprudence develops around

the particular standard, the determination will be made on a case-by-case basis, based on medical evidence presented.

On the issue of frivolous claims which may be brought with the passage of this bill, the rules of court procedure in every provincial and territorial jurisdiction generally address these issues. In my opinion, those rules and the wisdom of the judiciary can be relied on to deter frivolous claims. They will also have to be relied on to expedite urgent cases to the extent that that is possible and in the best interests of the child.

Honourable senators, this bill is really meant to deal with the most important relationship most of us share, or should have — that of a parent and a child. It is about ensuring that courts take into consideration the extraordinary, difficult situation in which that relationship will be permanently severed by the death of a parent. The importance of closure and final goodbyes will be appropriately weighed in light of all circumstances, and I doubt many of us have not gone through that.

As I said during my remarks on April 17, Bill C-252 probably will not affect a large number of individuals. Most custody and access agreements are reached amicably by parents, and the situation where one of the divorced parents seeks greater access to their child because the parent is terminally ill or in critical condition probably does not occur very often. However, for those occasions when it does occur, this proposed amendment to the Divorce Act may help to bring much needed relief to both the parent and the child. To add to what the sponsor in the other place, Mr. Rick Casson, said in committee, in the end it does not really matter how many people it will help, it is simply the right thing to do.

I urge all honourable senators to support Bill C-252 and make this important, incremental change to the legislation.

Hon. Wilbert J. Keon: Honourable senators, this bill came into being because a mother was dying. She had lost custody of her child and could not get through the red tape of the courts that would allow her to see her child before she died. This can occur. There are many young mothers who have lost custody of their children in the not-too-distant past, and the procedure for them to see their children when they are dying is difficult. It is difficult to get through the courts. It takes time and so forth and, in the past, many parents had to die without seeing that child one last time.

This bill will certainly not overcome all of the red tape that the courts present to a parent in such a predicament, but it recognizes that such situations exist, and it should create an awareness in the legal system that there should be compassion for a person who is dying and that they should be allowed to see their child or children, provided this would not in any way harm the child or children.

Senator Cools: May I ask a question? I thank Senator Keon for his sensitive statement. I would like to ask Senator Keon for those of us who know something about the nasty business of divorce and have studied it formally. I am asking Senator Keon about the examples he cited, which are tragic and terrible examples, but they are instances where it was the mother who was being denied access. Would I be correct in saying that there are at least an equal number of men, fathers, who have been in the same position?

Senator Keon: Not in my experience, Senator Cools. In my medical career of 40 years, I did not encounter a father looking for permission to see a child where he had lost custody of the child in the divorce.

Senator Cools: I thought you were speaking from data other than your own medical experience, which is extremely valid and extremely important and brings much to the debate.

Hon. John G. Bryden: Honourable senators, I am asking this question of Senator Keon because of his profession and experience. Is there an accepted definition of "terminally ill"? What constitutes a terminal illness? In one sense, we are all terminally ill, some days more so than others. Is there an accepted definition or does it vary from person to person or disease to disease?

• (1610)

Senator Keon: Honourable senators, like many situations in medicine, it is fuzzy. On the other hand, one can predict with a great deal of accuracy when death will occur in a number of illnesses.

Senator Nancy Ruth: The bill does not say there is an expectation of death. It says "terminally ill."

Senator Keon: I believe that definition can be intelligently interpreted by the medical and legal system at the appropriate time. Perhaps we should have a definition some day, I do not know. Certainly in the specialty that I practice, we can predict death accurately in a matter of hours. The classifications of emergent, urgent and elective treatments of our patients were based in time frames because their life expectancy was known.

That may be an oversimplification, however. Other diseases may not be so simple. I have enough confidence in the medical and legal professions that they can predict accurately how long someone has to live with a given disease. Hopefully, this bill will allow the wheels of justice to turn a little faster.

Hon. Terry M. Mercer: I want to ask a question of the honourable senator. I am sympathetic to the principle here, but when the honourable senator talks about the details I become concerned.

What is reasonable? Is it that there is no harm to the child emotionally? Is it reasonable that if the child is forced to see a parent when there may have been abuse, whether physical, psychological or sexual, or the break-up of the parents could have been so traumatic for the children that it could bring back memories that might trigger other emotional problems? I have difficulty reaching a concept as to how this situation could always be good for the child. I know how it would be good for the dying person to see their children before they go and be at peace. However, that may not necessarily be a good thing for the child.

Senator Keon: You are asking a doctor, not a lawyer, to interpret the law, but I will respond.

The legal system, in my medical-legal experience, is tilted towards the child. The child is protected now and I do not see anything here that would in any way erode the protection of a child.

I cannot imagine any judge allowing a child to be subjected to a situation that would be harmful in any way or unpleasant in any way. I cannot imagine the courts ever allowing a child to be forced against their will to see a patient who is in a terminal condition.

Senator Mercer: There was a court case in Western Canada a few years ago where children were forced to see a father who had been abusive because he had applied to the courts and gained access to his children. It was a terribly traumatic situation.

My concern is that we are not specific enough in protecting the children. Again, I am sympathetic to the purpose and the principle of the bill. However, I am nervous that we may be going too far in not defining what "terminal illness" is, as well as not specifically defining "protection of the children" in the bill.

Senator Keon: I am not sure if that is a question but I will try to respond.

I suppose the laws are imperfect. We live in an imperfect world and there will always be some difficulties. On the other hand, I believe this step is an important one forward. The process that someone must go through to see a child, of whom they have lost custody, while on their deathbed is a slow and difficult process. This bill will help expedite that process. As far as I am concerned, I have confidence in the courts that there will be no wrongdoing. If, on occasion, there is, I am sure an amendment will be advanced to eliminate whatever damage is perceived.

Hon. Tommy Banks: Honourable senators, I do not know anything about this, obviously, but Senator Keon has raised a picture in my mind and I am imagining someone who is found to be terminally ill and they are, as the honourable senator said, on their deathbed. Does the court require that the child to visit the parent or does the court permit the child to visit?

Senator Keon: The court would permit, not require.

On motion of Senator Tardif, for Senator Trenholme Counsell, debate adjourned.

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.—(*Honourable Senator Fraser*)

Hon. Catherine S. Callbeck: Honourable senators, an inquiry is before us with respect to the ongoing failure of the present government to appoint qualified people to the Senate. This inquiry, introduced by our colleague, Senator Banks, asserts that the Government of Canada has failed to carry out its constitutional duty by not filling vacancies in the Senate in a timely manner.

Senator Banks has said that the Constitution Act obliges the government of the day to ensure that Senate vacancies are filled so that it can carry out its responsibilities to the people of Canada. This is clearly spelled out in section 24 and section 32 of the Constitution. Section 24 says:

The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

Section 32 states:

When a Vacancy happens in the Senate by Resignation, Death or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

• (1620)

There are now 12 vacancies in the Senate. The present government does not appear to be in any hurry to fill these vacancies, which now represent more than 10 per cent of the membership in this institution.

Certain provinces and regions in this country are under-represented in this institution. One of those provinces is Prince Edward Island. There has been a vacancy in the Senate from my province for close to three years now, when Senator Rossiter retired on August 15, 2004. That means that my province is being denied the full representation to which it is entitled in the Parliament of Canada under the Constitution.

When Prince Edward Island joined Confederation, it had significant concerns as to how it was to be represented in Parliament. Many Islanders were concerned, then as now, that as Canada's smallest province its level of representation would not be sufficient to ensure that its interests and aspirations would always be reflected in national policies.

Upon entering Confederation, Prince Edward Island was allocated six seats in the House of Commons and four in the Senate. Shortly after, its population began to decline relative to Canada's growing population. As a result, it saw the number of seats to which it was entitled in the House of Commons reduced to five, then to four, and then it faced the prospect of seeing the number of seats in the House of Commons reduced to three.

As a result, the provincial government of the day pursued a constitutional amendment to protect its representation in the House of Commons. Accordingly, in 1915, an amendment was made to the British North America Act by adding a new section dealing with the number of seats to which a province was entitled in the House of Commons. The new section, 51(a), stated:

A province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province.

That constitutional guarantee ensures that Prince Edward Island will continue to have four Members of the House of Commons, the same number of members to which it is entitled in the Senate.

I mention this background to emphasize the importance which the people of Prince Edward Island have attached to their representation in Parliament. Islanders, like all Canadians, want to ensure that they are being fully represented in Parliament, in government and in this nation's affairs. However, at the present time, Prince Edward Island has only 75 per cent of the representation in the Senate to which it is entitled in the Constitution, and also does not even have full representation in the federal cabinet. That responsibility now rests with the Minister of Foreign Affairs, who is also the minister responsible for the Atlantic Canada Opportunities Agency, who is also the minister responsible for representing the Province of Nova Scotia's interests in the federal cabinet, and who is also responsible for serving his constituents in the riding of Central Nova. Given his many duties, it is hard to believe that the interests of Prince Edward Island are on the top of the agenda for the Honourable Minister of Foreign Affairs.

The Prime Minister had, and still has, the opportunity to ensure that the people of Prince Edward Island are provided with a seat at the cabinet table. As I said, there was a vacancy in the Senate for Prince Edward Island when the present government was first elected, and that vacancy still exists. There are no signs that it will be filled in the near future. The Prime Minister could have chosen, and still could choose, a qualified Islander for appointment to the Senate and to his cabinet.

In fact, that is exactly what the Prime Minister did when he appointed the Minister of Public Works to the Senate and to the cabinet. The Prime Minister, by that appointment, demonstrated that he was not opposed, in principle, to the appointment of senators. The Prime Minister, by that appointment, demonstrated that he was willing to appoint people to his cabinet through appointment to the Senate.

Why, then, does this Prime Minister believe that it is appropriate and acceptable to provide representation to the people of Montreal through such an appointment when he apparently does not believe that the people of Prince Edward Island are entitled to the same consideration? The fact is that the Prime Minister already had qualified senators from Montreal that belonged to his party. Montreal could have been represented by one of those sitting senators. I think they would have been happy to do so. The Prime Minister did not have to make an appointment to the Senate to have representation at the cabinet table for that area.

Yet he refuses to name a senator for Prince Edward Island who could represent our province in his cabinet. It seems the Prime Minister feels Prince Edward Island is not deserving of full representation at the cabinet table, and the people of my province are being further denied the representation to which they are entitled — if not constitutionally, then certainly by convention.

As Senator Moore stated in his remarks, I too was surprised by the Prime Minister's recent announcement of a Senate appointment for his home province of Alberta. The Prime Minister has demonstrated that it is quite acceptable to allow seats to remain unfilled in the Senate for other provinces — some even for years — while at the same time appointing a senator in Alberta, a province for which there is no vacant seat until June.

This inquiry introduced by Senator Banks makes a number of excellent points. Among those, he suggests that the effectiveness and proper functioning of the Senate is being impaired by the number of vacancies which now exist. He has stated as well that the failure to fill vacancies is creating an inequality under the Constitution Act which guarantees the equality of representation for the four senatorial divisions in this country. Ultimately, the failure to make appointments as required by the Constitution is a failure to ensure the proper functioning of Parliament itself.

In the meantime, the people of Prince Edward Island, like others across this country, are being denied full representation in the Parliament of Canada as required by the highest law in this nation. The present government, for narrow political motivations, is putting the interests of itself above the interests of Canadians.

On motion of Senator Munson, debate adjourned.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT AND COMMUNICATIONS COMMITTEE REPORT—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fraser calling the attention of the Senate to the Government response to the second report of the Standing Senate Committee on Transport and Communications entitled: *Final Report on the Canadian News Media*.—(Honourable Senator Banks)

Hon. Tommy Banks: Honourable senators, given the time, I will take the opportunity to speak to this inquiry that is before us. I have not organized an adjournment by anyone, but we will see if anyone wishes to adjourn it.

• (1630)

This inquiry is in relation to a report by the Standing Senate Committee on Transport and Communications on the status of news-gathering mechanisms in Canada, namely, the news media, and that report paid a lot of attention to the question of convergence of ownership of the news media.

My connection with news-gathering media is a grazing one, although a long one. I do not know anything about newspapers. The only thing I know about newspapers is that, in my previous life, I framed good reviews and burned bad ones.

I do know rather a lot about broadcasting, or at least about the way it used to be, and the way it largely still is. In fact, I was, for a short and largely technical time, an owner of a television station.

This report deals, in some degree, with the convergence of ownership among broadcasters. There is nothing morally or ethically wrong with the convergence of ownership among broadcasters. If I were a proprietor of a broadcast undertaking and permitted to do so, I would do exactly the same thing. It is very efficient.

However, efficiency and the aggrandizement of the interests of the shareholders of broadcast undertakings is not the only consideration in this country which can be taken into account in

the licensing, governance and regulation of broadcasters. There is a public responsibility, at least there used to be. If we are to change that concept of public responsibility, then we should do so openly, clearly and publicly, and not merely by lack of attention to it, or by attrition of the public interest. If we are to do that, let us admit that it is a media free-for-all. Until and unless we do that, there is an overriding public interest, an overriding public responsibility and an overriding public obligation that attends to broadcasters, and it is not being met.

Whether by design or perhaps inadvertently, in my personal opinion the CRTC, by way of decisions that have been, in the main, ill-advised over the past few years, has had the effect of weakening seriously, if not destroying, the Canadian independent production industry.

We must start over, senators, from the very beginning, with a clean sheet of paper and re-examine the regulation and governance of the broadcast industry in Canada. Why do we need to do that? There used to be, in the good old days not very many years ago, a guy in every city, in every radio station, in every television station, who was upstairs in the office, to whom a creative person could take an idea, and every once in a while that guy upstairs would say, "Regardless of the fact that this is not going to make me any money, and in fact it may cost me money, we should do that." They did that out of a sense of community responsibility that those guys upstairs — they were all guys — used to have. In every city and town, the owner of that radio station or television station was there, and they did things very differently from the way they are done now.

Putting aside the obligations that those proprietors have, as a result of the promises and performance that they go through when they make their application for a broadcast licence, there was another reason for which they sometimes did those things. Every one of those owners had a sense of community; some greater than others, but they all had it. They all lived in that community. They had pride of place in their community. I knew many of those men. I still know many of them, but they are no longer in those positions.

Every day, in my travels all across this country, from St. John's to Victoria, I saw evidence that this policy might not make us any money, in fact it might cost us some money, but we should do this because it should be done. We should do it for altruistic reasons; we should do it for its own sake. That community pride of place has gone. It is not that it has been reduced; it has gone.

There are managers now in those communities, running those broadcast undertakings, and they may see and understand some of those things that ought to be done for their own sake, but they are no longer the decision-makers. The decision-makers now live somewhere else and have different interests. The obligation, duty and allegiance of those managers are to a wide-spread group of shareholders who do not necessarily care what happens in Rosetown or Chicoutimi or Toronto.

Those obligations and duties and allegiances of the managers to the shareholders are not wrong. It is to their shareholders, and the dividends that they pay them, that those duties are, in fact, owed.

There is, as I have described, an absence of that other set of obligations that, until very recently, have always been there and have largely been met in every one of our communities. Sometimes they were met strictly because of the hammer; because

of the promise of performance to which they were held. Often they were met for purely altruistic reasons, and there lies the shortfall — and it is not merely a shortfall, honourable senators, it is a gaping hole — in this aspect of the fabric of Canadian broadcasting.

That shortfall, that huge gaping hole, is a public obligation and duty that is at least as important as the one that is owed to shareholders. That has always been the public policy in broadcasting in Canada. It still should be, and it is not being met.

That is why we need to go back to the beginning, the very beginning, to square one. We need to bring broadcast regulations in Canada into the 21st century. They are now barely in the 20th century. Some of the measures that can be taken in that respect, and can be considered, are contained in the report before us.

However, we need to go even further than that. We need to start from the ground up, with a clean sheet of paper, recognizing that the landscape in which the present regime of broadcast regulations in this country was designed is no longer a landscape that exists; it has changed drastically. It has changed to the extent that the entire regime is at odds with the present circumstances in which it operates, both technologically and otherwise.

I hope the Senate will be the place from which that initiative will emanate. I will join with my colleagues in working to that end.

Hon. Joan Fraser: Thank you for that extremely eloquent, well reasoned and very knowledgeable speech.

In my view, the honourable senator's diagnosis is sadly accurate. I wonder if senators saw on the weekend a report in *The Globe and Mail* about a hearing that the CRTC held last week, where proprietors of CTV and CHUM were before the commission, seeking permission for their much publicised merger, the announcement of which honourable senators may recall was accompanied by the notice of many layoffs, particularly of journalists and newsroom people.

The new chair of the CRTC listened to the proposals, which would involve giving the newly merged company two television stations in quite a large number of cities. I speak from memory here, but he said to the owner of the CTV network, or the representative, "You have made a very good case in explaining to me why what you propose is in the interests of CTV, but I do not see in your remarks anything about what is in the public interest."

Does the honourable senator think that I am being over optimistic if I suggest that such remarks might be a ray of hope?

Senator Banks: I thank the honourable senator for the question and also for this excellent report. We know Konrad von Finckenstein from another picture. I think that "hope" is the operative word.

• (1640)

I have great hope that he, and perhaps other members of the commission, will follow with action — and with the demonstrable application of policies that have been bent out of shape in the past 20 years — to take into account the public interest. However, that

hope is mitigated to a degree by the fact that other previous members and even chairs of the CRTC have said those things, and have said that they will operate with great deference to the larger public interest, and that has — if I can use gross understatement — not always been followed up on.

Any time there is a new broom, one hopes that it might sweep clean. Mr. von Finckenstein is demonstrably a principled man, and I think he understands the question. However, it is more complicated than merely understanding the question, unfortunately, as previous examples of the thing we are talking about have amply demonstrated.

Presently, many people on the staff of the CRTC, with respect, know a lot about broadcasting. There are even some ex-broadcasters on the staff of the CRTC. I am not up-to-date on the present membership, but there have not been many broadcasters in the past little while who are members of the CRTC, which leads to other kinds of regulatory and management questions in relation to the fabric of Canadian broadcasting.

When was the last time a broadcaster was the president of the CBC? I do not remember and I am 70 years old. There have been presidents of the board of the CBC who have been broadcasters. In the case, for example, of Patrick Watson, many of us said that at last someone has been appointed to the chairmanship of the CBC board who actually knows what is going on.

Senator Mercer: God forbid.

Senator Banks: Well, he did, and there have been others. However, they found that the spaghetti bowl, the push back, the resistance and inertia were such that even they had difficulty making a difference. The same thing has obtained with respect to some broadcasters who have had dealings in the past with the CRTC.

The short answer to your question is we must have hope. If we do not have hope, and if someone does not realize that hope, we are precariously close to the tipping point where we will lose it. We will lose something that not only most thinking Canadians, but most Canadians, if it came down to it, I believe, would say is an important public interest. I do not think we want to lose that. We are approaching the abyss so I join you in your hope that the article, which I did not see, augurs well.

The Hon. the Speaker *pro tempore*: Senator Banks' time is completed. Will you accept five minutes more?

Hon. Senators: Agreed.

Hon. Jim Munson: Since the chair of the CRTC, Konrad von Finckenstein, mentioned the words "public interest," does the honourable senator think it would be in the public interest for the CRTC to avoid making any decision in dealing with this merger that may happen, or the buy-out of CHUM by CTV, and that there be public meetings across this country? The word "public" is always used, but nobody in the public seems to be able to walk into the process, for example, into the labyrinth of the CRTC at Gatineau and sit down and say, we want to have a fulsome debate.

In our work in the Standing Senate Committee on Transport and Communications, we went across the country and heard people. We had town hall meetings and people spoke to us. There is a great deal of concern out there, whether it comes to the Irving empire in New Brunswick or whether it happens in Vancouver.

It seems we say all of these things, but nobody really listens. I am wondering, from your perspective, at what point does the chairman say we will not make a decision until we tap into the public?

Senator Banks: I thank the honourable senator for the question. I will precede my answer with an explanation, which should help explain my answer. That is up to the CRTC. I would not want us to abridge or abrogate the principle that the CRTC is among those institutions in Canada that is genuinely at arm's length and not susceptible to political pressure on one side or the other of any particular issue.

What the honourable senator suggests is something that the CRTC might want to take into consideration in finding out and being better informed about what the public interest is in this and other cases. However, I regard that matter as being strictly the province of the CRTC, so long as that institution remains as it is.

It is among the institutions — along with Telefilm Canada, the National Film Board, the CBC and several others — that I was referring to when I talked about a clean sheet of paper, that I think need to be looked at again quite differently. They all exist; they were all designed in a time that is patently different in almost every respect than the present. Therefore, that is a different question.

As regards the CRTC itself, I think that the suggestion of the honourable senator would be a good one to make to the CRTC; but they should not be obliged by anyone — and certainly not by government — to do that.

Senator Fraser: On this matter of public input to the CRTC in connection with broadcasting licences, a few years ago, our former colleague, Senator Finestone, had a bill before this place that struck me as creative. We know that the CRTC subsidizes, to some extent, intervenors before it in the telecommunications branch. It does not do so for intervenors in the case of broadcasting licences. Her bill would have said, basically, give the same fair crack to the public for broadcasters; give them modest subsidies as well to help members of the public and non-profit groups make their case before the CRTC. Do you think that idea is worth pursuing?

Senator Banks: I do, and I did at the time. I supported that bill unequivocally, with the one little codicil that the CRTC would have to be provided funding to do that properly. When it applies for its budget, it does not include that at the moment. It does not have sufficient funding to do that at the moment, but it would be a good idea and would demonstrably represent the public interest better than is now the case.

On motion of Senator Tardif, debate adjourned.

[Senator Munson]

[Translation]

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

Leave having been given to proceed to Other Business, Other, Inquiry No. 3:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Andreychuk*)

Hon. Grant Mitchell: Honourable senators, April 29 was declared a global day of action marking four years of conflict in Darfur. Many senators spoke out to draw attention to what the United Nations is calling the worst humanitarian crisis on the planet.

• (1650)

I am humbled by the commitment and the efforts being made by the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity to ensure that this devastating crisis does not go unnoticed. Like them, I believe that, as parliamentarians, we must give a voice to those who have been forced into silence.

The humanitarian impact of the crisis has been devastating for the people of Darfur. Furthermore, the prevailing instability in the region is hindering the work of aid organizations and preventing them from even counting exactly how many people are being affected by the conflict. At least 200,000 innocent people have been killed and at least two million have been displaced. We are hearing reports of countless systematic murders, rapes and forced displacements.

Our colleague, Senator Dallaire, a source of inspiration, has called the conflict genocide in slow motion. To do nothing and say nothing is unacceptable.

What does the conflict mean for the people of Darfur? It means hundreds of thousands of people living in fear and suffering, and having to leave their homes. The children become orphaned, they are kidnapped or they are forced into becoming soldiers and engaging in combat. According to UNICEF, it means that a girl living in the troubled Sudanese region has a better chance of dying in childbirth than of going to school. Educating girls and women is essential to development and, if these statistics apply to the girls in Darfur, I fear greatly for their future and that of their country.

As incredible as it may sound, the longer the conflict goes on, the more precarious the situation becomes. It is increasingly difficult for aid agencies to gain access to those who in greatest need of humanitarian relief. In Darfur, 4 million people, or half the local population, desperately depend on this assistance to survive. The aid agencies themselves are not safe. In December, while we were celebrating the holiday season, the aid agencies' compound was breached. One staff member was beaten and

another raped. Already four years old, the conflict just keeps worsening. It is now reaching Chad, a country where hundreds of thousands of people from Darfur have already taken refuge.

The people of Canada are calling for an intervention. I wish to hold up as an example the work of a remarkable group of young people from Alberta. These 30 students from Edmonton walked from Calgary to Edmonton to call attention to the atrocities happening in Darfur. An Albertan myself, I have driven along that road many times and I am totally amazed by their determination. This was a 300 kilometre walk, and it took them eight days, in stretches of up to 30 or 40 kilometres per day. The group would make stops in small town high schools to share their message. They have collected more than \$10,000 to help finance relief efforts. This is a truly inspiring group of students.

Canadians believe in their country's ability to help and protect people who are suffering. The needs in Darfur are great, and I believe that our government and our country must do more to defend those who are trying desperately to survive. The Government of Sudan is supporting factions that are killing, raping and terrorizing the Darfurians. They must not be allowed to go on with impunity. The supreme irony of the situation is that while the suffering in Darfur is continuing, Khartoum, the capital in the north, is drawing praise for its rapid development. Moreover, the country's economy should grow by 11 or 12 per cent this year.

Buoyed by this prosperity and the fact that the world seems indifferent to the violence, the Government of Sudan has no reason to alter its behaviour. The world needs to send a consistent, sincere message and tell the Government of Sudan that it must no longer support the conflict in Darfur.

We all need to remember that we have said, "Never again" and work together on a consistent response to the Government of Sudan.

Hon. Roméo Antonius Dallaire: Would Senator Mitchell accept a question?

Senator Mitchell: Yes.

Senator Dallaire: Honourable senators, I would first like to say that I have deep respect for Senator Mitchell for giving this speech this afternoon in his second language with dignity, assurance and confidence.

It is an example of the fundamental duality that enables us to build this country and accept all the other new entities that will become part of our great nation.

My second point has to do with the young people who attended the meeting last week of the interparliamentary committee on genocide prevention, which brought together parliamentarians to listen to representatives of Canada's NGOs. There were 55 students in attendance, including a dozen from Alberta who paid their own way to listen to us talk for two hours. Three of those students were part of the team that walked 300 kilometres.

In 1974 in Holland, I took part in the annual Nijmegen walk, where we had to walk 160 kilometres in four days. We trained for weeks before setting out on that adventure. It is no mean feat

for these students to walk 300 kilometres in eight days. It is a remarkable sacrifice. I congratulate them.

I recently spoke to the Chief of Staff of the African Union Forces, General Anyidoho, who was my assistant in Rwanda. He told me that the United Nations is moving forward with a very strong program, which has been accepted by Sudan, to transition toward a significant position of strength in order to protect the people of Sudan and Darfur. He wanted to know why Canada was not there. In Sudan there is already a United Nations mission of 10,000 soldiers including 33 Canadian observers. That is in the south of the country. Some 20 or so soldiers are helping the African Union with the mission in Darfur.

• (1700)

He told me that every Canadian officer or non-commissioned officer is worth easily five to ten officers from other, developing countries, in terms of skills, work ethic, technological expertise and their desire to advance the mission.

Do you not think Canada could send at least 20 or so experts to help with the second phase of the United Nations mission in Darfur?

Senator Mitchell: I want to thank the honourable senator for his question. I will try to answer in French. However, I must say that this is the first time I am speaking French here without any notes.

Thank you for complimenting my efforts to read in French. I appreciate that very much.

As a relatively young senator, I should take this opportunity to learn French. I must do so for Canada, for bilingualism, and also because I am a senator from Alberta. We do not speak much French in Alberta. Nonetheless, it is quite present, as Senator Tardif and other honourable senators can attest.

Let us come back to your question. Canada is a privileged country. We therefore have a moral imperative to provide help to Darfur and Sudan.

Like you, my father was a soldier. He served in the Canadian Forces throughout the world, particularly in Korea. I understand the importance of this effort in Darfur.

In my opinion, we have the resources. And I know, as you do, that our soldiers have the ability to contribute to improving the situation in Darfur.

I completely agree with Senator Dallaire. I hope the Government of Canada will come onside soon.

[English]

Hon. A. Raynell Andreychuk: Will Senator Mitchell take a question in English?

I am part of the all-party genocide group. We meet at sometimes difficult times for me, but I am nonetheless very supportive of the initiative of the prevention of genocide. I understand the honourable senator's point about what he believes should be done now in Darfur.

One of the dilemmas is that we could be more effective if we worked in prevention as opposed to in the middle of difficulty. The honourable senator has spoken about Darfur. When would he say the situation in Darfur changed from a civil issue for the Government of Sudan to an issue of genocide that we all should have taken note of?

The Hon. the Speaker: Senator Mitchell's time has expired.

Senator Dallaire: Could he have five minutes to respond?

The Hon. the Speaker: The honourable senator will rise and ask for an extension of his time.

Senator Mitchell: Could I have several more minutes?

The Hon. the Speaker: Is leave granted, honourable senators, for five minutes?

Hon. Senators: Agreed.

Senator Mitchell: I value the question and I certainly respect the point the honourable senator makes, although to some extent I wonder if it is not a moot point. No matter when the transition was made from a civil conflict to genocide, the fact is that as a civil conflict it was not acceptable. Had the conflict occurred elsewhere in the world, with different strategic implications, it might be that the Western world would have taken a greater interest in the conflict than it has.

Setting that aside, the fact of the matter is that something needs to be done now. Yes, we need to play the role that the honourable senator is suggesting, a more supportive, building role. I believe that were we able to play that role in Afghanistan, we might be able to deploy more forces from there to Darfur.

My concern is that it may well be that our government, which has limited the scope of its international relations to a strong U.S. support role, I would argue — and I say that as positively as I can — has lost the credibility it needs to negotiate with its NATO allies to reconfigure our commitment in Afghanistan. We are doing the heavy lifting and we have been doing it for a disproportionate amount of time. We could, in fact, deploy the 20 or many more Canadian soldiers to a place like Darfur and we could play a significant role in both places, as a country like Canada should and has the capability of doing.

Senator Andreychuk: The honourable senator raised the subject of Afghanistan. I did not. My point is that if we are to talk about the duty to protect and about genocide prevention, we have to have lessons learned. In determining what role we can play now, one must look at what role we did play and whether it was the correct role.

In regard to Darfur, it is one thing now to talk about redeployment. If I take the honourable senator's point that we have very few troops and we have to make choices — and there was a choice made to go into Afghanistan and there were reasons why we did not go into Darfur at that time — with that background, what can we constructively do now to support the situation in Darfur? The answer must be based on the fact that our interventions now have to be positive. We cannot go into Darfur so that we feel better, and we do not really make a change for the people of Darfur, which has to be an immediate response and a long-term commitment.

Senator Mitchell: I cannot disagree with the honourable senator, but I would say that we need to have a sense of urgency. We can go on and on having these debates, and I wonder how many people might have died in the few minutes the honourable senator and I have spoken about this. Far too many, I am sure. We need to instill a sense of urgency in the government to do something about this.

Senator Dallaire was not suggesting 2,000 troops. He was saying that given the significant contribution that our soldiers are capable of making, a handful more soldiers would make a significant difference.

However, the bigger issue is how does Canada play a significant role in places like Darfur and Afghanistan as a foreign policy strategy? Clearly, the emphasis must be on support and on building infrastructure, but there are times, I would expect, that we cannot do that without some defensive military work. I expect that were we to go to Darfur with the honourable senator's vision exclusively in mind — that is, to build infrastructure and to do humanitarian work — we would still have to do some protective military work as well. It is the nature of those circumstances. It is the nature of the 21st century and the foreign policy issues that face us as a country that needs to play that kind of role in the world, but we have to get after it.

On motion of Senator Andreychuk, debate adjourned.

• (1710)

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled "*Moving Forward on Early Learning and Child Care*", as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Mercer*)

Hon. Terry M. Mercer: Honourable senators, I want to speak at length on this inquiry, but I am not prepared to do so today. In my research on this subject, I have been trying to be fair. I have attempted to find one child care space that has been created by the current government in order to compare it to the previous government but I am having difficulty. Therefore, I wish to move adjournment of the debate at this time.

The Hon. the Speaker: It is agreed that this item continue to stand in the name Senator Mercer?

Hon. Senators: Agreed.

On motion of Senator Mercer, debate adjourned.

EFFECTS OF EXPANDED ETHANOL AND BIODIESEL PROGRAM

INQUIRY—DEBATE ADJOURNED

Hon. Mira Spivak rose pursuant to notice of May 8, 2007:

That she will call the attention of the Senate to the hidden costs and benefits of an expanded ethanol and biodiesel program in Canada.

She said: Honourable senators, the Government of Canada is surging towards expanded production of ethanol and biodiesel. Late last year, it unveiled an aggressive renewable fuels policy and last month the budget proposed \$2 billion in spending.

I certainly would not want to discourage the government from taking any steps that benefit the environment — we need all the climate change measures we can devise. However, we also need to be clear and forthright with Canadians about what these measures will really cost and what they can reasonably be expected to achieve. The reason for my speaking here today is that I have read so many articles on this issue that I thought it was important to bring it forward.

In effect, the benefits are being exaggerated. The costs, including the environmental cost of increased smog, are being glossed over. Potential adverse consequences such as rising food costs are simply being ignored. In Canada, there may be hidden costs and diminished benefits. They are not hidden elsewhere, including in the U.S. Federal Register, where all can see the EPA's views.

Compare that EPA analysis, published last September, with the Environment Canada version that appeared in the *Canada Gazette* in December, and we find that the Government of Canada claims that ethanol produced from corn or wheat achieves a 20 to 30 per cent reduction in greenhouse gases. At least, that is the figure presented in the *Canada Gazette* of December 30, 2006. Ten days earlier, the news release from Saskatoon claimed that "grain-based ethanol results in life-cycle greenhouse gas emissions reductions of 30-40 per cent compared to gasoline." It is a miraculous boon, well worth \$2 billion in subsidies. Meanwhile, the EPA estimates that the U.S. will see a 0.4 to 0.6 per cent reduction in greenhouse gases in the transportation sector from an ethanol program virtually identical to the program that our government has set out for Canada. How can that be? Is it 30 per cent, 40 per cent or 0.4 per cent? Where does the truth lie?

In the real world, the truth lies closer to the EPA estimates that look not at a rosy theory, but at how ethanol is actually used. In the real world, it is blended with gasoline to produce fuel for today's cars that would be damaged if the blends were richer than 10 per cent ethanol. Even if cars could run on pure ethanol, the vast majority of studies suggest the greenhouse gas savings of ethanol are not nearly as high as the estimates found in two Canadian studies — studies produced by consultants for Natural Resources Canada and Agriculture Canada. The U.S. Library of Congress suggests greenhouse gas reductions from pure ethanol

are a more modest 13 to 20 per cent. For grain-based E-10 ethanol, the consensus is that greenhouse gas reductions are minimal, at best.

As for a distinct environmental downside for ethanol, namely increased smog producing emissions, Environment Canada's news release is virtually silent. Ethanol, according to the EPA, means more nitrogen oxides and more volatile organic compounds that combine with sunlight in summer to produce ground-level ozone and particulate matter commonly known as smog.

The current Minister of the Environment appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources only last month to express his concern that the number of smog days in Toronto had risen from one to 27 or 37 in just 12 years.

The EPA estimates that, as a result of the ethanol program in that country, NOx and VOC emissions will increase by up to 97,000 tons. In parts of the country where ethanol is not widely used, VOC emissions would increase 3 to 5 per cent and NOx emissions 4 to 6 per cent. Nationwide, it would translate to a 0.6 per cent increase in smog. However, the Natural Resources Defence Council in the United States, a non-profit advocate of ethanol made from cellulose, suggests that the smog in Los Angeles could be 10 per cent worse. The most recent study by Stanford University Professor Mark Jacobsen projects an additional 200 deaths, most of them in Los Angeles.

The EPA reports on the three ways that ethanol increases smog-causing pollutants: from tailpipe exhausts, from ethanol production and distribution, and from something known as permeation; that is, seepage through fuel tanks and fuel line connections. The report states, and I quote:

Recent testing has shown that ethanol increases permeation emissions, both by permeating itself and increasing the permeation of other gasoline components.

The National Resources Defence Council's solution is the rapid transit to high blends of ethanol, namely E-85, which contains just 15 per cent gasoline. That blend reduces evaporative emissions and, just as important, the cars built to run on them, called flex-fuel vehicles, have improved fuel systems that minimize permeation. They also have oxygen sensing technology to minimize NOx emissions. There are about five million flex-fuel cars on the road in the U.S., but most run on gasoline because drivers cannot find E-85 at the pump or do not know that their car can use it. Also, corn and soybeans are crops that require large amounts of fertilizer, pesticides and fuel to process. They are also the major source of nitrogen runoff, creating dead zones in rivers and lakes. In the Gulf of New Mexico there is a dead zone the size of New Jersey.

Canada's government has not presented a solution. In fact, we have no acknowledgement that the ethanol program may be creating a problem.

Other harsh realities have begun to emerge about the government's plan to have renewable fuels comprise 5 per cent of all transportation fuels by 2010, two years earlier than the U.S. mandated requirement.

What is missing from government information is presented by the Library of Parliament. A recent research paper makes clear that for Canada to reach its biofuel target of 5 per cent, producers will require 4.6 million tonnes of corn, 2.3 million tonnes of wheat and 0.6 million tonnes of canola.

• (1720)

If all these feedstocks were grown domestically, they would represent 48-52 per cent of the total corn seeded area, 11-12 per cent of the wheat seeded area and about 8 per cent of the total canola seeded area in Canada.

The question arises, when farmland is used for fuel production, what is the impact for food production and the price of food?

The UN Food and Agriculture Organization already credits the rising demand for ethanol from corn for the decline in world grain stocks during the first half of 2006.

The Chief Executive Officer of Maple Leaf Foods Inc., Michael McCain, expresses the problem from his corporate perspective. It means more job cuts and price hikes for meat, animal feed and possibly bakery products to cover the increased costs of corn and wheat caused by the demand for ethanol. He says the major challenge for the meat industry worldwide is "to transition the ethanol effect into consumer pricing of food products."

Canadians may well pay more for their hamburgers and steaks while they pay \$2 billion in subsidies to biofuel producers and receive lower mileage for ethanol-blended gas that is no less expensive than regular gas at the pump.

That is another hidden downside of ethanol: It has about one-third less energy intensity than gasoline. Mileage for cars running on E-10 will be down roughly 3 per cent, while E-85 blends will have drivers filling up much more often.

The government's plan, revealed in December, has no cost-benefit analysis from the perspective of the government, from the perspective of industry or from the consumers' perspective.

In the United States, direct corn subsidies are \$8.9 billion a year. Actually, in the United States, \$92 billion a year is given to industry.

The EPA's economic cost-benefit analysis is extensive. It estimates an overall cost to the U.S. by 2012 of \$500,000 — this is not for the producers of corn, but producers of ethanol — to \$1.6 billion annually, virtually all of that in tax subsidies. In fact, subsidies exceed production costs when crude oil is \$47 a barrel, and when crude reaches \$70, the savings to the fuel industry is

about \$2 billion a year, or \$1.34 a gallon, not to mention that Archer Daniels Midland, ADM, the biggest ethanol producer, is also the major recipient of the subsidy.

Small wonder that everyone from farmers' cooperatives to ADM and Tyson Foods are jumping on the biofuels bandwagon, and recently it was announced that Innisfail, Alberta, will be home to North America's largest biofuel refinery, producing 300 million U.S. gallons a year of ethanol, biodiesel and crushed canola. The incentive is not so much environmental incentive, I think, as financial.

Budget 2007 sets out \$1.5 billion in subsidies over seven years, subsidies with a cut-off point that arrives when companies realize rates of return in excess of 20 per cent.

The budget, which incidentally says that renewable fuels reduce air pollution, also devotes \$500 million for public-private partnerships for next-generation renewable fuels. The Ottawa-based firm, Iogen, receives special mention, as it should, and as it does in virtually every substantial article on the real promise of renewable fuels.

The real hope for growing fuels lies not in diverting corn, wheat and canola into the fuel tanks of sport utility vehicles, SUVs. It lies in using corn stalks, switchgrass and straw to make fuel.

Iogen is the acknowledged leader in this next-generation technology. The U.S. Department of Energy acknowledged it in February when it awarded Iogen Biorefinery Partners, LLC, of Arlington, Virginia, a partnership of Iogen of Ottawa, Goldman Sachs and Royal Dutch Shell — some \$80 million to build a commercial plant in Shelley, Idaho, to produce 18 million gallons a year of ethanol from 700 tons a day of straw, corn stover and switchgrass.

This cellulosic ethanol could reduce greenhouse gas emissions by about 6 per cent in the E-10 blends and about 65 per cent in E-85 fuels. It need not divert food crops to fuel and, as the Bush administration has acknowledged with a sudden doubling of grants to cellulosic ethanol production, it will be needed to meet mandated objectives for renewable fuels.

Canadians have a rather large stake in Iogen, although it is seldom acknowledged. It began in 1994 when Iogen partnered with the National Research Council to develop biotech enzymes for the pulp and paper industry. In 1999, Iogen received a \$10 million loan to help build its ethanol demonstration plant in Ottawa, and this year it received another \$7.7 million —

The Hon. the Speaker: Senator Spivak, I regret that your 15 minutes are over.

Senator Spivak: Can I have another seven minutes?

Hon. Claudette Tardif (Deputy Leader of the Opposition): Five minutes.

The Hon. the Speaker: The house unanimously agrees to five minutes.

Senator Spivak: The Minister of the Environment has hinted strongly that an Iogen plant will be built in Western Canada. Meanwhile, we wait for the announcement of specific funding.

If there is a downside to next-generation biofuels, it is not yet apparent. There is, however, some cause for caution — to take care in their development, not to let political pronouncements dictate the pace at which these fuels are developed.

Several years ago, there was considerable controversy in New Zealand when it came to light that a common bacteria genetically engineered to produce ethanol from plant debris killed all the wheat plants tested by a graduate student at Oregon State University. The U.S. Environmental Protection Agency, EPA, had approved it for field testing after it showed no environmental effects during standard pesticide or toxicity study. In the end, it was not released.

There is nothing inherently bad or good about genetic modification, which will be used in these bacteria and fungi in genetic engineering. There is, however, a need to thoroughly test any products that may intentionally or unintentionally be released into the environment with unintended adverse consequences.

Not surprisingly, the cost of producing these next generation fuels is not yet competitive with grain-based ethanol or with fossil fuels.

• (1730)

In addition, in a May-June edition of *Foreign Affairs*, in an article entitled *How Biofuels Could Starve the Poor*, the author suggested it is unrealistic to expect cellulose-based ethanol to become the solution, or a solution, within the next decade, given logistical problems.

If the price of renewable fuels is higher food costs, or other unintended consequences, what then should we be doing to reduce greenhouse gas emissions from transportation? In a word, re-engineering. Amory Lovins, the pre-eminent guru of energy conservation, has laid out convincingly how Americans can displace all the oil it now uses and see a net economic benefit of \$70 billion. His prescription includes revenue and size-neutral “feebates” for cars and a scrap-and-replace program that provides super-efficient cars to low-income Americans. It also includes smart government procurement and federal loan guarantees. By switching to ultralight but strong vehicles made from carbon composites or lightweight steel, with low drag and hybrid technology, drivers could decrease fuel use by up to 72 per cent.

We all should be doing for automakers here in Canada what we did for oil sands developers: Allowing them a 100 per cent one-year write-off for equipment used to produce clean cars and trucks. We should encourage the production of next-generation cars right here in Canada. Fiscal policies could also encourage less travel by rewarding employers and employees who take up telecommuting.

We could encourage more freight transport by rail. Warren Buffet says that as oil prices rise, the advantage of rail over trucks is increased by a factor of four. The “Oracle of Omaha” has invested heavily in rail.

I do believe there is a place for renewable fuels in bringing this country to a soft energy path, a path that will do less harm to the atmosphere. However, it is not good government policy to exaggerate the benefits, minimize the risks and create unrealistic expectations.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

EMPLOYMENT EQUITY—DEBATE SUSPENDED

Hon. Donald H. Oliver rose pursuant to notice of May 8, 2007:

That he will call the attention of the Senate to employment equity in the Senate of Canada.

He said: Honourable senators I am pleased to rise to comment on the recent Employment Equity report released by the Standing Committee on Internal Economy, Budgets and Administration. Honourable senators, it reveals that the Senate administrative staff is becoming increasingly diverse. This is due to the positive and diligent action of the Senate’s managerial and human resource teams. This action is long overdue and it cannot come soon enough.

That is because our world, our country, our communities, where we work and where we live is changing more quickly than ever before. As Thomas L. Friedman writes in his book, *The World Is Flat: A Brief History of the Twenty-First Century*, the dramatic advancements in digital technology over the last 15 years have reverberated across the globe. In essence, the world is flattening. People, things and events are becoming more and more interconnected.

In less than a generation the web, e-mail and cell phones have come to dominate economies and the workplace. These technologies gave birth to open-sourcing, work-flow software and supply change which have enabled companies, groups and individuals, regardless of location, to collaborate as never before.

These technologies spawned outsourcing and offshoring, which have lifted India and China into global economic powerhouses, and these technologies have enabled social networking on an unprecedented scale. Communities today can come together in an instant, marshalling their influence to protest or to applaud, to effect change.

In tandem with the dramatic transformation of the cybersphere, the people of the world have also become more interrelated and more mobile in a physical sense. Immigration now accounts for two-thirds of the population growth in the 30-member countries

of the OECD. This is caused by what I would call the inverted age pyramid where low birth rates and an aging work force in the developed countries have accelerated the need for new, young workers.

This trend is particularly evident in Canada. In less than a decade there will be more seniors than children in Canada. By 2025, one in five Canadians will be over the age of 65, yet according to the 2006 Census, the Canadian population grew more rapidly over the last five years than in the previous five. This was precisely due to immigration. Indeed, two-thirds of this growth was attributable to net international migration. As a result, according to a report released last year by the Royal Bank of Canada, immigration will account for all of the net increase in Canada's labour force by the end of this decade.

The vast majority of these immigrants are settling in large metropolitan areas like Toronto, Montreal, Vancouver and Ottawa. As the 2006 census also shows, nearly 25 million Canadians today, or more than four-fifths of our population, live in urban areas. Most of Canada's immigrants, almost three-quarters in 2003, are visible minorities. Consequently, less than 10 years from now, the Conference Board of Canada predicts that the number of visible minorities will jump to roughly 20 per cent of Canada's population.

This is rapidly changing the demographic make-up of Canadian cities. In another 10 years, both Toronto and Vancouver will become majority minority cities. Ottawa is also undergoing a dramatic transformation. One in five Ottawa residents today is an immigrant. Based on the 2004 findings of the international trained worker project in Ottawa, immigrants will contribute 100 per cent of the net new growth for Ottawa's workforce within just four years.

This workforce brings enviable brain power to Canada's capital. According to research spearheaded by the international trained workers' project, the people who immigrate to Ottawa are highly educated, highly skilled and highly experienced — more so than the people in Ontario at large. More than half of recent immigrants to Ottawa have university degrees and a further 14 per cent hold other credentials such as trade certificates or diplomas. In 2002, more immigrants with PhDs settled in Ottawa than graduated from the University of Ottawa and Carleton University combined.

Sadly, however, this valuable human capital remains underutilized and underemployed. Forty-seven per cent of people receiving social assistance in Ottawa are immigrants. In Ottawa, immigrants aged 25 to 44 with a university degree are four times more likely than their Canadian-born counterparts to be unemployed. Furthermore, recent immigrants who are university educated are twice as likely to have jobs that do not require post-secondary education as their Canadian-born counterparts. This is not only unfair and unjust but, as my research indicated that I spearheaded at the conference board shows, it is also an unforgivable waste of talent and our most precious resource in today's technologically intensive and increasingly connected world economy.

Honourable senators, the business case for diversity is clear. Diversity cultivates creativity and ignites innovation. It opens up new avenues to reach ethnic groups. It fosters goodwill and

enhances reputation. Above all, tolerant, diverse organizations attract and keep talented, highly-skilled people. In the years to come, these organizations will be the most effective.

When I rose in the Senate a year and a half ago, I gave a very negative report of employment equity in the Senate. Before I summarize the essence of the new report released by the Internal Economy Committee, I would like to recap what I said a year and a half ago in this chamber.

• (1740)

Honourable senators, at that time I said that the representation of visible minorities in the Public Service of Canada is appallingly low, but it is even lower within the administrative levels of the Senate of Canada. The Senate Human Resources Directorate Employment Equity Report, released in September of 2004, showed a paltry increase of 0.9 per cent in visible minority representation from 2000 to 2004.

Currently, visible minorities comprise only 6.8 per cent of the Senate's 425 employees, but it is in senior and middle management positions where the Senate's record is especially shameful. Honourable senators, the number of visible minorities employed in senior and middle management positions in the Senate in the year 2000 was zero. In 2001, it was zero. In 2002, it was zero. In 2003, it was zero. In 2004, the number again was zero.

In the five previous years, there had not been a single visible minority candidate promoted to a senior or middle management position in the Senate of Canada, according to its own 2000-to-2004 employment equity report.

Well, honourable senators, happily that has now changed. That is why I am so pleased to note the progress in increasing the overall representation of designated groups in the Senate administration. According to the second employment equity report, 2004-2006, the representation of visible minority employees in the Senate's administration ranks have doubled over the last fiscal year. It now constitutes 9.4 per cent of the overall workforce. This is a remarkable achievement worthy of much praise, especially when you consider that the promotion of visible minorities in the Senate administration remained stagnant over the five previous years, as I just outlined.

Honourable senators, the Senate clerk, Mr. Paul Bélisle, is to be commended for this remarkable turnaround. This is a good first start, but I will still be keeping my eyes on the table.

In addition, the pool of visible minority candidates participating in recruitment processes for Senate positions has also increased significantly to roughly one in five applicants. Furthermore, the number of visible minorities in the professional category has also grown. This is particularly crucial, given that this is the feeder group to the senior and middle management category.

Equally critical, the Senate administration is moving forward decisively to capture the full promise of Canada and Ottawa's growing diversity. For instance, all of its HR policies are being reviewed to ensure that they respect and support diversity. A new learning, training and development policy has been drafted to

include an employment equity component, and a management accountability framework has been established to ensure that employment equity, learning, retention and succession planning are integral to operational plans and financial resources.

Now directors are held personally accountable for employment equity and diversity results in the area of their responsibility. Coaching and support are provided to managers in developing strategies to recruit and retain visible minorities, as well as members of other designated groups. Those other designated groups are women, the disabled and Aboriginal people; the fourth is visible minorities.

More vigorous outreach partnerships with community groups have been established. Throughout the year, awareness sessions or events take place to celebrate Canada's diversity. I am pleased to note that the advisory committee on disability and accessibility has been renamed the advisory committee on diversity, with a new mandate and terms of reference. As well, a new multiyear diversity and accessibility plan will be approved and implemented in the near future.

Honourable senators, this is the momentum that the Senate's administration needs to effect change, to build a truly representative workforce and to meet the challenges of our increasingly interconnected world.

As the honourable senators know full well, I have been an adamant, often loud and invariably lonely voice in calling for this magnitude of action. I am glad that some of the message has been getting through.

I am especially delighted to note that my call for action has been heard outside this place as well. As the second employment equity report further notes, human resources representatives from the three Hill organizations have developed an employment equity, strategy and action plan in pursuit of the vision of a truly representative Parliament Hill. When approved, the strategy and action plan will constitute the foundation of an MOU between the three Hill partners.

This is critical progress that will make a difference; progress that will set new standards for other organizations within both the public and private sectors — and believe me, they need a good example.

Consider the record of Canadian companies. Last December, the Conference Board of Canada released a new report on diversity priorities, practices and performance in Canadian organizations. It was based on a survey of 120 Canadian managers and executives with responsibility for diversity in their organizations. Despite the fact that most respondents said that diversity is a real priority for them, 42 per cent do not have a strategic plan for diversity. Fewer than half the respondents provided diversity training to their managers and employees, and 88 per cent rated their organizations as "average" or "below average" in preparing leaders to manage a diverse workforce. Furthermore, only a minority of Canadian organizations have either met or exceeded the labour force availability rates for members of visible minorities, women, Aboriginals or persons with disabilities.

As our country's largest employer, the Canadian public service is also in dire need of more positive and concrete action on the diversity front. According to a fall 2006 performance report issued by the Public Service Human Resource Management Agency of Canada, only five government departments received an acceptable employment equity rating. Others were described as "opportunity for improvement"; and many more, including four others, had the category "requiring attention" for the four target groups. This is the Government of Canada.

In addition, as Linda Gobeil, senior vice-president of the policy branch of the Public Service Commission, recently reported to the Standing Senate Committee on Human Rights, visible minorities not only remain persistently under-represented in the public service, the majority of those who apply for a job in the federal government are turned down.

From 2000 to 2005, applications for employment from visible minorities averaged over 25 per cent; however, visible minorities received only 10 per cent of appointments. Strikingly, this phenomenon called "drop-off" was specific only to the visible minority groups, not the other three.

In an article in the *Ottawa Citizen* in January of this year, Madam Maria Barrados, the president of the Public Service Commission, launched an investigation into this issue. She wants to find out the cause of drop-off rate and where it occurs in the hiring process. I deeply applaud her efforts and I am looking forward to learning the results of her inquiry.

As Alex Himelfarb, the former Clerk of the Privy Council of Canada — the top public servant in Canada — said when he appeared before the Human Rights Committee when I was a member of that committee:

... we are a closed shop, and that has hurt the public service. We need to open it up and seem more permeable. We need to care more about bringing the outside in.

I would add that we still need to do more. The Senate, the House of Commons and the entire federal public service must become a shining example to other Canadian organizations of the many advantages of diversity. We should be a beacon of leadership to other governments and companies worldwide.

Canada is facing a talent crunch of dangerous proportions, and we are not the only country in this precarious position. Over the past 18 months, I have spoken to groups in Brazil, the U.S., the U.K., Sweden, Denmark, Norway and other countries and each one is aggressively looking for new ways to attract and retain visible minority talent. The already hot competition is heating up even more.

Given our legacy of proactive human rights and employment equity legislation, Canada should be one of the highest performers in the world on the diversity front. Given our history, we should be a global trendsetter.

The Hon. the Speaker: I must advise the honourable senator that his time has expired.

Senator Oliver: Could I have two more minutes, please, to finish?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Five minutes.

Senator Oliver: Our leadership in building a diverse government would speak volumes to the hundreds of thousands of new immigrants our country strives to attract and retain each year. It would resonate in the hearts and minds of the increasingly diverse peoples of Canada. It would bolster Canada's reputation in world markets and ensure our country's future prosperity. Equally important, it would infuse government with new ideas. It would provide us with a deeper understanding of all the Canadians that we serve. It would enable us to attract and retain the increasingly precious resource of talented people.

• (1750)

Honourable senators, in our flat world, the competition for talent and knowledge is escalating. Given the furious pace of technological innovation, I expect that this trend is just beginning. Thomas Friedman believes that we are in a quiet crisis, and if we do not do something about it, then in 10 to 15 years from now, this quiet crisis could become a huge crisis.

Honourable senators, we cannot be silent. We must speak loudly, clearly and with conviction through our words and, most important, through our deeds. As the Senate's second employment equity report shows, we are starting to do just that. Let us make sure that this important progress continues unabated, and let us make sure that our voices and our actions resonate across the Hill, across our country and around the world.

Hon. Joan Fraser: Would the honourable senator take a question?

Senator Oliver: I would be pleased.

Senator Fraser: Like the honourable senator, I was struck by the statistics on the drop-off rate. Let us not be naïve: It is perfectly possible that part of the reason for that drop-off rate in the case of visible minorities has to do with prejudice, whether conscious or unconscious, on the part of the hiring officer, whoever that may be.

Surely, it is also possible that there might be other reasons. I wonder whether Senator Oliver, having devoted so much study to this matter, has any knowledge of two things that strike me as possible contributing factors: First: Is the entire foreign credentials business such that a degree from a university in India is recognized to the same extent as a degree from a university in Canada?

Second, there would be possible language difficulties. I would expect that a fair number of applications come in from relatively new arrivals. Increasingly, in recent years, the visible minorities that have come to us have not necessarily come from English-speaking countries. Does the honourable senator have

any knowledge of the degree to which the lack of command of one of the two official languages adequate to the job being done might be a contributing factor? If it is a factor, then it is fairly easy to attack — teach them.

Senator Oliver: I thank Senator Fraser for her excellent question. The honourable senator is right in putting her finger on two of the major problems, apart from discrimination and racism, which are foreign credentials and language skills. A third problem is lack of managerial experience. A person with a Ph.D. from three universities can come to Canada wanting to become a senior manager in the public service but might not know much about managing people. Managerial training is the third problem.

In relation to the first, Canada's new government has made several announcements for new steps that it will take in relation to recognition of foreign credentials. As the honourable senator understands, it is not intrinsically a federal problem but given the Constitution, it is a matter of provincial concern.

I was once a lawyer and I received my qualifications provincially. If I wanted to practice in another province, I would have to qualify in that province before I could practice. That is the problem with credentials. Canada's new government has set up commissions and taken several steps designed to ensure that we do not have trained doctors in waiting or driving taxis in Toronto when they could be working in operating theatres. That has been looked at seriously by the current government.

I have discussed the second problem of language and credentials with the Clerk of the Privy Council. I met with Mr. Rosenberg in my office last week, who is the new champion for the Public Service of Canada. We will meet again soon to try to come up with new ways of ensuring that talented and capable Canadians who want to become part of the public service will be afforded an opportunity to become trained in both of Canada's official languages.

The third problem is managerial skills, which I have discussed with the Clerk of the Privy Council. We are looking at a number of ways to ensure that talented and capable minorities who would like to become managers but lack the requisite managerial training will get that training as well.

Hon. Consiglio Di Nino: Honourable senators, I would like to adjourn the debate but I would also like to raise a question with Senator Oliver.

The Hon. the Speaker: The time for Senator Oliver, as extended, has expired.

Senator Di Nino: After the adjournment of the debate, I have another issue I would like to bring forth.

The Hon. the Speaker: On the matter of Senator Oliver's inquiry, the Honourable Senator Di Nino moves the adjournment of the debate. Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Comeau: I do not want the debate adjourned.

The Hon. the Speaker: It was moved by the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk, that this item be continued at the next sitting of the Senate. Effectively, Senator Di Nino moves adjournment of the debate. Are honourable senators clear on the question? Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Do the whips have an agreement on the bell? There being no agreement, the bells will ring for one hour.

Senator Tardif: 30 minutes.

The Hon. the Speaker: The vote will take place at four minutes before 7 p.m.

Senator Tardif: Your Honour, I do not see a quorum.

The Hon. the Speaker: There is not a quorum. Would the pages go to the adjacent rooms and summon senators. We will wait five minutes.

Honourable senators, five minutes have elapsed, and I still do not see a quorum. Pursuant to rule 9(2)(b), the bells will ring for 15 minutes to summon honourable senators.

• (1920)

The Hon. the Speaker: Honourable senators, I do not see a quorum. Therefore, pursuant to rule 9(3) I declare the Senate adjourned.

The Senate adjourned until Wednesday, May 16, 2007, at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 98

OFFICIAL REPORT
(HANSARD)

Wednesday, May 16, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, May 16, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

The Hon. the Speaker: Honourable senators, pursuant to rule 43(5) of the *Rules of the Senate of Canada*, this morning the clerk received notice of a question of privilege from Senator Tkachuk. In accordance with rule 43(7), I now recognize Senator Tkachuk.

[English]

Hon. David Tkachuk: Honourable senators, I rise to give notice of my intention to raise a question of privilege later today about what took place last night at the Standing Senate Committee on Energy, the Environment and Natural Resources. The committee, as you know, was preparing to go clause by clause on a very contentious bill, Bill C-288.

We, as a minority in the Senate, were doing all we could to give careful and full consideration to this bill — a bill that its sponsor, Senator Mitchell, says deals with the most important issue facing this country in more than 50 years. We wanted to hear from more witnesses. We had, after all, only heard from 16, many of them speaking with one voice. We wanted to hear from more expert witnesses who had relevant and important testimony to relay; testimony that would contribute to the debate. The Liberal majority denied us our right to hear from those witnesses. The unelected Liberal majority also forced clause by clause on us earlier than we would have liked in a bid to force this bill through.

For our part, as a minority, we availed ourselves of the few procedural tools available to try, at the very least, to ensure that this bill was properly considered in committee. We knew, in the end, that the numbers on the other side would overwhelm us and that we would eventually have to fight the matter out in committee.

● (1335)

You can imagine my surprise last night when arriving at the committee meeting and being quickly disabused of that notion. In the time it took me to get from the chamber to the committee room — and I left along with my colleagues as soon as the mace was removed from the table — I found that the bill had been dealt with by the Liberal senators, aided by the independent Senator McCoy and the independent Senator Spivak, and that the meeting had been adjourned. Not a dissenting voice was heard. Why? Because the committee passed the bill without one Conservative

member of the committee being present. I was denied my right to participate in the committee and to vote on this bill, which is not only an affront to my privileges but to the privileges of all honourable senators.

On that note, honourable senators, I will be raising a question of privilege. Accordingly, I am prepared to move at the appropriate time a motion to seek remedy from the Senate directly.

THE HONOURABLE SHARON CARSTAIRS, P.C.

CONGRATULATIONS ON RECEIVING DOCTOR OF LAWS DEGREE

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to pay tribute to a colleague whose tireless work in support of palliative care has not only reflected positively on this institution, it has earned her a degree of Doctor of Laws — *honoris causa* — from the University of Manitoba. Of course, I am speaking of the Honourable Sharon Carstairs, whose accomplishments extend far beyond those she has realized during her many years of advocacy in the field of quality end-of-life care.

As Senator Carstairs noted in a speech to medical school graduates at last week's convocation ceremony, her career path might have been quite different had political science not lured her away from pre-med studies during her undergraduate years. Of course, her change of heart led her to a career in politics, during which she had a remarkable influence on the political landscape in Alberta and Manitoba.

Honourable senators, as is noted in her Senate biography, Senator Carstairs is a woman of many firsts. She served as the first female president of the Liberal Party of Alberta; the first woman leader of a major political party, leading the Manitoba Liberal Party from 1984 to 1993; and the first female Deputy Leader of the Government in the Senate, just to name a few.

● (1340)

In recognition of her outstanding contribution to public service at provincial and federal levels, the University of Brandon decorated Senator Carstairs with her first honorary degree in 2003.

Senator Carstairs has undoubtedly influenced countless men and women in the political sphere, but it is her commitment to providing dignity to some of the most vulnerable members of society — the dying — that will likely serve as her most enduring legacy. For more than a decade, she has pushed for improved access to quality end-of-life care for Canadians and has challenged policy-makers and all Canadians to acknowledge and address the many unmet needs in the fields of service delivery and education.

In 2001, Prime Minister Jean Chrétien had the wisdom to give Senator Carstairs special responsibilities for palliative care. One of her greatest feats has involved her important role in the initial

development and subsequent revisions of the Employment Insurance Compassionate Care Benefits, which support those who must miss work in order to care for someone who is terminally ill.

Honourable senators, as a fellow senator, a Manitoban and a Canadian, I find great inspiration in the work of Senator Carstairs. In addition to the efforts for which she has received formal credit, she has acted as a mentor to many fellow senators, including me, and what an exceptional role model she has been. She is my political godmother.

I know you will join me in congratulating the Honourable Senator Carstairs on her most recent commendation.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETINGS TO REVIEW BILL C-288

Hon. W. David Angus: I rise to draw the attention of honourable senators — and that of all Canadians — to certain events that occurred last Thursday evening and last evening at the Standing Senate Committee on Energy, the Environment and Natural Resources.

In my respectful submission, these events can best be described as deplorable, indeed disgraceful, and they will undoubtedly cause shame and disrepute to be visited upon our beloved institution, the Senate of Canada, as well as its members.

In some 46 years of private practice in law as a member of the Montreal, Quebec and Canadian bar associations, I believe I have developed a reasonable knowledge, appreciation and respect for the principles of natural justice, fair procedure and individual rights, all of which are fundamental and valuable elements of our precious democracy in Canada.

In the matter at hand, as will be described in more detail later today, my Conservative colleagues Senator Tkachuk and Senator Cochrane and I consider that our basic rights as senators were severely violated and the process of the Senate abused.

The events in question have unfolded in the context and review of Bill C-288, a private member's bill entitled An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol, the Kyoto Protocol Implementation Act. At last Thursday evening's committee session, the bill's official critic, Senator Tkachuk, was summarily and abruptly denied the right to question witnesses and/or to call additional key witnesses who were available and prepared to give relevant testimony on the provisions of the bill, which involve climate change and the Kyoto Protocol, which indeed tops the list of the most important issues of public policy being debated in our nation today. A decision was arbitrarily made to conduct clause-by-clause consideration on Tuesday, May 15 — last evening — at 5:30 p.m. or when the Senate adjourned.

As matters evolved, there were procedural issues, including the call of a vote in this chamber. It turned out that members of the official opposition were absent for the vote called for 6:55 p.m. No quorum was achieved, and at or about 7:26 p.m., the Speaker adjourned the sitting.

My said colleagues and I then made our way with all due dispatch to room 257 in the East Block for the committee meeting to conduct clause-by-clause review. Some of us and our staff had worked all weekend, and indeed on Monday and Tuesday, reviewing the evidence and preparing speeches and possible amendments to the bill. To our horror, when we arrived at room 257, we were appalled to find that the meeting was over, Chairman Senator Banks having called the meeting to order as soon as the Speaker's gavel adjourned proceedings in this chamber. He proceeded to race through clause-by-clause consideration in a matter of seconds. We are informed that the session lasted indeed less than two and a half minutes, after which Senator Banks adjourned the meeting.

• (1345)

As a consequence, honourable senators, after five days of hearings, nine witnesses, and countless documents, we were denied our fundamental right as senators to attend clause-by-clause review and to vote on this bill.

AUTISM SOCIETY OF NOVA SCOTIA

CUTBACK TO FUNDING FOR JOBS AT SUMMER DAY CAMP

Hon. Jim Munson: Honourable senators, I rise on a troubling issue. Today I will read excerpts from the *Halifax Chronicle-Herald*. As honourable senators know, autism is a passion in my life since committees here in the Senate issued a report *Pay Now Or Pay Later, Autism Families In Crisis*, dealing with families with children with autism.

The excerpts of the article are:

Autism group has no cash for camp.

More than 40 autistic Halifax children may be left home for the summer because of changes to a federally funded student job program.

The Autism Society of Nova Scotia found out Monday afternoon it will not receive money through Canada Summer Jobs to hire staff to run its summer day camp.

Society executive director Vicky Harvey is scrambling to try to save what she terms an 'innovative and special program.'

For the past five years, the society has run a summer day camp in July and August.

'These are kids who are significantly affected by autism,' Ms. Harvey said.

Besides giving children aged six to 16 a chance to attend a structured program, it also gives their caregivers a summer respite. But since last year, the federal program has had a name change — it used to be called Summer Career Placement — and has been revamped.

Funding is determined by a point system. . . .

Last year the autism camp had 30 staffers. Seven of those positions were funded through Service Canada. . . .

As Ms. Harvey goes on to say:

'We just finished interviewing quite a few people.' It costs about \$110,000 to run the camp.

She said that she would be very disappointed to feel that we could not run this camp again this summer.

I would like the new Government of Canada to take a deep breath, to take a look at these particular student placement programs, and take a look, for goodness' sake, at their own website, Summer Work Experience. It says:

Canada Summer Jobs, a new initiative, provides wage subsidies to help Canadian employers of not-for-profit, public sector, and smaller private sector organizations with 50 or fewer employees create career-related summer jobs for students between the ages of 15 and 30 at the start of employment.

The initiative is specifically designed to help students having trouble finding summer jobs because of where they live and/or other barriers.

I urge you to take a look at your program and for goodness' sake take a look at what is going on in Nova Scotia, and listen.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETINGS TO REVIEW BILL C-288

Hon. Ethel Cochrane: Honourable senators, I rise today to voice my outrage over the handling of Bill C-288 by the Standing Senate Committee on Energy, the Environment and Natural Resources. I feel that the events of last evening only highlight the underlying concerns that I have had recently.

Last week, at our *in camera* meeting, I once again raised my concerns over the shortage of witnesses and the gaps in the testimony. I implored the committee to hear from more of the witnesses to whom we had originally agreed.

Honourable senators, on April 17, I submitted a list of proposed witnesses to the clerk. That list included the Minister of the Environment and 20 other witnesses. Later that day, this proposal was discussed and accepted at our steering committee meeting. Honourable senators, the committee heard from only five of the other people or organizations that were on that list. While the clerk contacted these individuals, I do not feel that they were offered adequate dates and timelines to appear. For instance, some witnesses, like Dr. David Keith and Mark Jaccard, suggested that they could make themselves available for other dates. Other witnesses indicated that they were not readily available due to previously scheduled commitments for the month of May.

My question is, honourable senators: Why the rush? According to the government's economic model, which has been validated by some of the country's top economists, the changes that would be needed in order to comply with Bill C-288 would result in a sharp decline in GDP, in the loss of hundreds of thousands of Canadian jobs and skyrocketing increases in the cost of electricity, gasoline and natural gas.

• (1350)

These numbers have been questioned in committee, and rightfully so — that is our job. However, we never got to the bottom of them. No other witnesses were able to produce economic analyses of the costs associated with this bill — not even its author, Pablo Rodriguez. Yet, despite all this, the committee refused to hear from witnesses who could inform us on the critically important point.

Honourable senators, given the grave implications of this proposed legislation, Canadians deserve to have this bill treated seriously and investigated fully.

STATE OF CHILD CARE IN MANITOBA

Hon. Mira Spivak: Honourable senators, research supported by Status of Women Canada has revealed disturbing new facts about the state of child care in my province of Manitoba.

In the northern city of Thompson, child care is in crisis. Two centres have closed since 2004 and a third is slated to shut down this summer. There are only 337 spaces to serve the city's 3,290 children under age 12. There is a dire shortage of trained child care providers. When parents can find a space, they face fees as high as \$7,000 a year.

The situation is much the same in rural Manitoba. In the southwestern Parkland region, for example, there are more than 2,500 children and 362 licensed child care spaces. Dauphin has the lion's share of them. Outside of Dauphin, services are scarce. Meanwhile, well over half of all mothers in Parkland are in the paid labour force.

In the Franco-Manitoban community, the picture is only slightly better. In St-Pierre-Jolys, there are 76 spaces to serve 180 children in the village. However, two of the three centres are operating without the minimum number of trained staff and there are no year-round spaces for school-aged children or year-round nursery spaces. The shortage of trained staff is creating a crisis there.

The research has also determined that every dollar spent on child care returns \$1.58 to the community, even before longer-term returns are assessed. In Thompson, child care contributes \$2.1 million directly to the economy annually, and brings indirect benefits of nearly \$3.5 million.

Three points arise from this research. First, it is the kind of research that Status of Women Canada must be funded to support. Second, it points to the dire need for a national child care program in Canada. Finally, it demonstrates that child care contributes to the economies of communities and is sorely needed, including in rural areas.

[Translation]

ROUTINE PROCEEDINGS

DOCUMENTS TABLED PURSUANT TO RULE 28(3)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages, two copies of:

A statement issued by Veterans Affairs Canada entitled *One of Canada's Last Surviving First World War Veterans Dies at 106*.

An EDC statement entitled *B.C. Exports to Level Off in 2007 Before Slight Upturn in 2008, Says EDC*.

• (1355)

A statement from Heritage Canada entitled *Canada's New Government Supports the Key Theater Society*.

A statement from Heritage Canada entitled *Canada's New Government Supports the Centre régional de loisirs culturels de Kapuskasing*.

A statement from Heritage Canada entitled *Appointment to the Board of Trustees of the Canadian Museum of Nature*.

A statement from Heritage Canada entitled *Virden Collegiate Institute Students Participate in an Exchange Through Society for Educational Visits and Exchanges in Canada*.

A statement from the Canada Council for the Arts entitled *Canada Council seeks input on future directions*.

A statement from the Office of the Secretary of the Governor General entitled *In Parallel With Scene Quebec, Participants in an Art Matters Forum Discuss the State of Quebec Culture*.

• (1400)

A statement from Canadian Heritage entitled *Canada's New Government Supports St. John's International Women's Film Festival*.

A statement entitled *Environment Canada Employee Arrested for Leaked Statements*.

A statement from the Bank of Canada entitled *Free online guide to help entrepreneurs plan for a flu pandemic and other emergency scenarios*.

A statement from Canadian Heritage entitled *Canada's New Government supports the Alliance des radios communautaires du Canada*.

A statement from Canadian Heritage entitled *Canada's New Government Supports the French Colleges' Network of Canada*.

A statement from National Defence, entitled *Renewing the Canadian Forces' Heavy Truck Capability*.

• (1405)

A statement entitled *Public Tip on Illegal Harvest Leads to Fines for Three*.

A statement from CMHC entitled *Minister Solberg Announces Winners of CMHC Housing Research Grants*.

A statement from the Bank of Canada entitled *Governor Dodge Discusses Need to Support Canada's Private Pension System*.

A statement from the Royal Canadian Mounted Police entitled *CLARIFICATION: Environment Canada employee arrested for leaked statements*.

A statement from Public Safety Canada entitled *Minister Day Announces \$816,000 for Canadian Red Cross*.

A statement from Canada Economic Development entitled *Canada's New Government Awards \$680,560 in Funding to the Fondation du maire de Montréal pour la jeunesse*.

• (1410)

A statement from the Transportation Safety Board of Canada entitled *The Transportation Safety Board of Canada's Final Report into the Derailment in MacKay, Alberta, Highlights the Preventable Nature of Heavy Truck and Train Collisions at Rail Crossings*.

A statement from the Privy Council Office of the Government of Canada entitled *Canada's New Government Introduces the Expanded Voting Opportunities Bill*.

A statement from Fisheries and Oceans Canada entitled *Canada's New Government Announces 55 New Fishery Officers to Take to the Water*.

A statement from National Defence entitled *Canada's New Government Announces Several Construction Projects for 12 Wing Shearwater*.

A statement from Export Development Canada entitled *Manitoba Export Growth Among Country's Best in 2007 Thanks to Agri-Food Surge, Says EDC*.

Statements from the Privy Council Office and the Government of Canada entitled *Canada's New Government Moves to Restore the Principle of Representation by Population*.

• (1415)

A statement from Agriculture and Agri-Food Canada, entitled *Federal and Provincial Governments Provide \$7.5 Million for British Columbia Ranchers*.

A statement from Canadian Heritage entitled *Canada's New Government Supports Hispanic Arts Society*.

A statement from Canadian Heritage entitled *Canada's New Government Supports the Kelowna Visual and Performing Arts Society*.

A statement from Canadian Heritage entitled *Canada's New Government Celebrates Asian Heritage Month*.

A statement from Parks Canada entitled *Canada's New Government Announces Members of Expert Panel to Promote the Future of the Trent-Severn Waterway*.

A statement from Canadian Heritage entitled *Canada's New Government Announces Canada Day Poster Challenge 2007 Winner and Finalists for Manitoba*.

• (1420)

A statement from Transport Canada entitled *Canada's New Government Invests \$12.5 million in Marine Security Projects Across the Country*.

A statement from Public Safety Canada entitled *Senior expert advisor to RCMP named to bolster fight against white collar crime*.

A statement from Natural Resources Canada entitled *Christian Paradis announces \$4 million for Renewable Energies*.

A statement from Canada Economic Development entitled *\$2,882,622 Invested in Saint-Bruno-de-Kamouraska for Wastewater Treatment*.

[English]

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE— CONDUCT OF STAFF

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators on both sides of this chamber, I just want to remind you that the rules and procedures of our institution have been tarnished by the acts of a single individual.

By now, we are all familiar with what Mr. Jeffrey Kroeker has done, and the Standing Committee on Internal Economy, Budgets and Administration has unanimously concluded that all the information Mr. Kroeker gathered was unpublished, confidential information at the time he gathered it. It further concluded that some of the information he gathered was personal information of identifiable individuals, and that Mr. Kroeker's conduct in gathering and disseminating the information was inappropriate and unethical.

• (1425)

In light of the conclusion of this report that was tabled in the house this week and the fact that Mr. Kroeker was the Senior Special Advisor, Parliamentary Affairs, to the Leader of the Government in the Senate at the time, will the minister rise today to apologize to this chamber for the inappropriate and unethical actions of her staff?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): If anyone ever wanted proof of how this chamber has fallen into disfavour with the public, they need only look at these exchanges. The fact that honourable senators, particularly on the other side, are more interested in the internal matters of the Senate speaks volumes about what is wrong with this place and why it desperately needs to be reformed.

Senator Hervieux-Payette: Honourable senators, the fact remains that a committee of our chamber has concluded that a senior member of the minister's staff acted inappropriately and unethically. As a former minister of the Crown, I wish to remind the leader that a minister is ultimately responsible for the conduct of her staff. Therefore, I ask her again, will she do the ethical thing, accept responsibility for the actions of her staff and apologize to this chamber?

Senator LeBreton: Honourable senators, I do not believe that I have to take lessons in ethics and integrity from people opposite. I said yesterday, the Internal Economy Committee met and discussed this matter and, in my view, this incident is closed. I simply restate what I said yesterday. I take great issue with Senator Hervieux-Payette's scenario that somehow this incident was generated by this side to embarrass the Senate, which is absurd in the extreme. Also, all of this could have been avoided had the committee in question taken the advice of our military.

Senator Banks: Not true!

SEVENTH REPORT OF COMMITTEE

Hon. James S. Cowan: I remind the leader that the seventh report of the standing committee, which was comprised of government and opposition members, concluded the following:

... the Committee on National Security and Defence operated within the Senate rules and administrative policies and procedures as they apply to committee budgets. Your committee concludes that there was no misuse of funds.

Does the minister accept the unanimous decision of that committee?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am not clear on what the question was, but I want to put on the record that contrary to published reports, it was not a unanimous decision of the committee.

Senator Cowan: Does the minister accept the conclusions of the committee? That is a simple question. Is the answer yes or no?

Senator LeBreton: The matter was thoroughly discussed by the Internal Economy Committee, as were other matters concerning this chamber, some of which have not been resolved. In this case, I indicated yesterday that I believe the committee gave this particular issue a thorough airing. I have my own views as to the situation in the Senate where such a hearing can be conducted. In any event, those are the *Rules of the Senate* and I am prepared to live with the *Rules of the Senate*. I believe the incident is closed and I will say no more about the matter.

Senator Cowan: Honourable senators, I did not ask the minister what her views on the *Rules of the Senate* were. I asked whether she accepted the unanimous position of the committee on the seventh report of the standing committee, yes or no?

Senator LeBreton: My office put out a statement last Thursday after this position was reported in the Senate. Senator Stratton made some comments publicly and I stand behind the comments of my colleague, Senator Stratton.

• (1430)

SIXTEENTH REPORT OF COMMITTEE— CONDUCT OF STAFF

Hon. James S. Cowan: The same committee recently tabled its unanimous sixteenth report, which concluded that the conduct of her former senior special adviser, Jeffrey Kroeker, was inappropriate and unethical in gathering and disseminating information. Last Thursday she told the chamber: "Their report finally brings this regrettable incident to a close." Therefore, I assume that she accepts that report.

Will the Leader of the Government in the Senate therefore show respect for her office and respect for this chamber and apologize to this chamber for the unethical behaviour of a senior member of her staff?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I stated last Thursday that I believe that the hearings conducted by the Internal Economy Committee gave the matter full airing. I supported the committee's right to do that. I am saying no more about this incident.

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT— MEDIA LEAK ON NATIONAL SECURITY AND DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Colin Kenny: Honourable senators, my question is to the Leader of the Government in the Senate. I would like to know why she continually misleads the chamber that the committee got advice from the military about visiting Dubai. It never got any advice on the subject of a visit to Dubai ever.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Excuse me, honourable senators. The honourable senator is splitting hairs. I was referring to the committee being advised that it could not get into Afghanistan, which was the final destination of the honourable senator's committee. He knew his committee could not get into Afghanistan. I was referring to Afghanistan, not to Dubai.

Senator Kenny: The committee got advice on Afghanistan. The committee did not get advice on Dubai. The committee went to Dubai to visit Dubai ports. We went to Dubai ports because of the purchase by Dubai ports of P&O Ports in Vancouver. Why is the leader misleading the house that we got advice from the military not to visit Dubai? The military had nothing to say about that visit, which was within the terms of reference of the

committee. That budget was approved by the Standing Committee on Internal Economy, Budgets and Administration.

Senator LeBreton: Honourable senators, the fact is that I never once said that the honourable senator got advice not to go to Dubai. The question is whether, according to the honourable senator's own testimony and that of his committee members, the committee went to Dubai and got held up in Dubai because it could not get into Afghanistan. The question really is: They had a one-day meeting in Dubai; why did the honourable senator spend a whole week there?

Senator Kenny: Honourable senators are being misled again by the leader. She said on May 15 that the issue at hand was precipitated by the fact that, had the committee listened to the advice received from the military, this incident would never have happened. The military never gave us advice about Dubai.

Senator LeBreton: Excuse me, honourable senators, but when the honourable senator goes back to the beginning of this matter, the advice that the military gave him was that he could not get into Afghanistan. I never said he got advice from the military not to go to Dubai. The honourable senator knows I never said that. Again, I point out that if ever you want proof positive about why this place requires reforming, it is because of incidents just like this, where, when important issues face Canadians, all they can do is navel-gaze.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE— CONDUCT OF STAFF

Hon. Jane Cordy: Honourable senators, there are important issues we should be dealing with, such as the report of the Internal Economy Committee.

On November 6, 2006, the Leader of the Government in the Senate was asked if her staff was responsible for collecting private and confidential information on senators, and she replied: "I do not believe that a member of my staff sought or received personal information."

• (1435)

We now have the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration, which states:

During the months of September and October, 2006, Mr. Kroeker gathered travel information about Senators and staff of the Standing Senate Committee on National Security and Defence. . . . All the information Mr. Kroeker gathered was unpublished, confidential information at the time that he gathered it and some of the information that he gathered was personal information of identifiable individuals.

Will the honourable senator now admit that the statement she made on November 6, 2006 was inaccurate, and that her office did indeed gather personal and private information on individual senators?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, hindsight is a wonderful thing. What I said on November 6, which the honourable senator has quoted, is exactly what I believed on November 6.

Senator Cordy: What does the leader believe today?

Senator LeBreton: I believe today that the Standing Committee on Internal Economy looked into this matter. I have nothing more to say.

Hon. Joan Fraser: Honourable senators will recall that when — what it pleases the minister to call “an unfortunate affair” — arose last fall, there was significant discussion in this chamber of the source of leaks to the news media.

On November 2, in response to questions from Senator Hays and Senator Banks, the Leader of the Government in the Senate said:

There is no evidence to suggest that Mr. Kroeker is the source of the leak.

On November 3, in response to a question from Senator Hays, she said again that she did not believe that Mr. Kroeker was the source of leaks.

On November 6, in response to a question from me, she said.

... I do not believe that a member of my staff leaked this to the media.

Later she said:

... I do not believe a member of my staff is responsible for the leak.

The Standing Committee on Internal Economy, Budgets and Administration has reported that:

... Mr. Kroeker shared the information that he had gathered with persons outside the Senate, notably Graham Richardson, a reporter for CTV. . .

I remind the minister that that report was based on Mr. Kroeker's own sworn testimony.

Whatever the leader may have believed at the time, would she be prepared now to correct the record and admit in this chamber that a member of her staff did indeed leak confidential information to the news media?

Senator LeBreton: Honourable senators, the comments that Senator Fraser has quoted me as making last November are what I believed at the time. I stand behind every word I said at the time.

Subsequently, the Standing Committee on Internal Economy, Budgets and Administration met. Mr. Jeffrey Kroeker appeared before the committee and gave testimony in an open and honest manner. I believe that is all that needs to be said.

Senator Fraser: No, that is not all that needs to be said. As the Leader of the Opposition in the Senate has pointed out, ministers are ultimately responsible for the conduct of their staff. The

Leader of the Government in the Senate, perhaps more than anyone else, is responsible for upholding the integrity of this institution. If she cannot make a simple apology, can she at least tell us why?

Senator LeBreton: Honourable senators, if we want lessons in integrity, we need only look at the actions of members of the senator's own party last night in denying a proper hearing in a committee meeting.

The statements I made last November were accurate. I pointed out that I was not the source of the leaks. As a matter of fact, anyone who knows me would know that I would never leak anything, particularly to the CBC.

Senator Fraser: It was leaked to CTV.

Senator LeBreton: In any event, the testimony given by the gentleman in question to the Standing Committee on Internal Economy, Budgets and Administration has been reported upon in the report of that committee. I accept the report of the Standing Committee on Internal Economy, Budgets and Administration, but I have nothing more to say about it.

• (1440)

Hon. Jim Munson: Could the Leader of the Government in the Senate tell us whether Mr. Jeffrey Kroeker is still working for her?

Senator LeBreton: The answer is no, he is not.

Senator Munson: Could the leader tell us where Mr. Kroeker is working? I understand he may be working for a minister. Did he get a promotion for this work?

Senator LeBreton: Mr. Kroeker, as has been reported, is working for a secretary of state of the government. The honourable senator is asking me information he already knows. That is all I can say.

Senator Munson: Is there not a double standard here? Canada's new government seems to be in the business of handcuffing and arresting people who allegedly leak documents, but other people who work for the government or a minister get promotions.

Senator LeBreton: For someone who supposedly prides himself on being at one time an ethical journalist, surely the honourable senator would know the difference between an individual who allegedly leaks secret, private government documents as opposed to someone who, in the view of many, is —

Senator Cowan: Exposing?

Senator Fraser: Exposing what?

Senator LeBreton: — a whistle-blower exposing the expenses, as Senator Stratton said, of taxpayers' dollars.

Hon. Tommy Banks: Honourable senators, my question to the Leader of the Government in the Senate follows on a similar subject matter. We are trying to find some way in which the leader can say something that someone will actually believe.

The leader has continued again today to mislead the Senate by saying that the Senate committee that was in Dubai was there for one meeting. The committee was on its way to Dubai from a number of other places which it had visited and in the hope and belief that it still had an opportunity, notwithstanding what the honourable senator has said, to go to Afghanistan, because that was not settled when we left Canada or London or The Hague. What was the source of the information on which the leader has continued to say that that committee had one meeting in Dubai? That is simply not true.

My second question is this: When I was questioning the leader on November 3, 2006 during Question Period here, the leader replied, at page 1110 of the *Debates of the Senate* that:

Unless and until the honourable senator can prove otherwise, I do not believe that detailed information was sought with regard to the charges of individual senators and staff on that trip.

In the much-referred to sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration, in which it reports that the subcommittee met 14 times to consider these matters, in addition to other things that have been said, it said — and this is an excerpt from the committee — that “Mr. Kroeker’s conduct in gathering and disseminating this information was inappropriate and unethical.” It says elsewhere that “Mr. Kroeker’s conduct in disseminating unpublished, confidential information and personal information about identifiable senators and staff without the required consent or authorization breached the provisions of chapter 206 of the *Senate Administrative Rules* that govern the use of such information.”

In light of those findings, will the minister please rise here and say that what Mr. Kroeker did was wrong?

Senator LeBreton: Honourable senators, far be it from me to be taking any lessons from Senator Banks after his behaviour. However, the honourable senator is not a politician, as he said one day.

Senator Cools: Out of order!

Senator Corbin: Resign! Resign!

Some Hon. Senators: Oh, oh!

Senator LeBreton: The fact is that these statements that I made last fall were made on the basis of my knowledge at the time. The *Rules of the Senate* are such that the Standing Committee on Internal Economy, Budgets and Administration can look into this matter, as it has looked into many matters, regarding individuals who either work for the Senate or sit as senators. As I said last Thursday, I respect the right of the Standing Committee on Internal Economy, Budgets and Administration to look into these matters and I believe that the report of the Internal Economy Committee, tabled in the Senate, brings to a close this unfortunate incident.

Senator Banks: Is that report correct? Does the leader of the government agree with it? In light of the findings in that report, can the leader say that what Mr. Kroeker did was wrong?

• (1445)

Senator LeBreton: I will simply say one last time that I accept the report of the Standing Committee on Internal Economy, Budgets and Administration. This issue received a full airing, and I have nothing more to say about it.

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. It is not easy being the Government Leader in the Senate because he or she has to sit in this place for 30 minutes each day and be hammered with questions. As a result, occasionally the leader brings incorrect information totally by mistake. That is what the honourable senator did in November of 2006. It is clear that the information was wrong when she said that she did not have a staff person collecting information, and that a staff person did not disclose this information to the media. Yet by his own sworn statement, Mr. Kroeker has said that that is exactly what he did.

Out of respect for the office that she holds as Leader of the Government in the Senate, will the Honourable Leader of the Government stand in her place and say to honourable senators that the information she gave honourable senators in November was as correct as she knew it, that she now knows it to be incorrect, and that she apologizes?

Senator LeBreton: When Senator Carstairs was the Leader of the Government in the Senate, she seemed to believe that it was difficult to answer questions for 30 minutes each day, but I do not find it difficult. I am not the least bit troubled by it, Senator Carstairs.

An Hon. Senator: We are still waiting for the response.

Senator LeBreton: I made factual statements last fall in good faith, honestly. If the honourable senator reads the report, she will see that it backs up the statements that I made last fall.

Senator Carstairs: Perhaps each of us approaches Question Period differently. I prided myself on bringing the most accurate information to this chamber each and every day. When I found myself in a situation where I had not brought that information, as soon as I learned that it was not the right information I apologized to this chamber. Would the Leader of the Government in the Senate please use the same example and apologize?

Senator LeBreton: If ever there were an oxymoron, it is Liberals and accurate information.

[Translation]

Hon. Dennis Dawson: I will probably repeat in French the same question that has been asked a number of times in English. Thus, perhaps, the translators might have a better answer for us.

[English]

... Mr. Kroeker’s conduct in gathering and disseminating the information was inappropriate and unethical.

That is what the report states. While Jeffrey Kroeker goes happily about his new job as Director of Communications and Parliamentary Affairs, Jeff Monaghan is arrested. One is accused and arrested, and the other is found guilty by a committee of the Senate and he is promoted. Are honourable senators to think that

one day they will sing the republican influence in cover-ups, like Watergate? Mr. Kroeker was nice enough to assume his responsibility and cover for the leader. Honourable senators expect only one thing of the leader: assume her responsibility and excuse herself.

Senator LeBreton: Senator Dawson, I demand an apology because Jeffrey Kroeker did not cover for me, and you know it. Furthermore, he went to another position and for the honourable senator to say it is a promotion is another exaggeration. The apology that is owed here is by people on the honourable senator's side for the behaviour of his government. Perhaps he could tell us where the \$50 million for the sponsorship scandal is and maybe I would take his questions more seriously.

• (1450)

[Translation]

Senator Dawson: Honourable senators, in the great tradition of American Republican cover-ups, perhaps one day we will see that the Leader of the Government in the Senate sacrificed one single employee, who obtained a promotion in another department. But it is clear that leaving her office must always be considered a promotion.

The Leader of the Government in the Senate made a commitment to respect this institution, and she has made a mistake. It is not serious, even Mr. Duceppe admitted making a mistake and he apologized. We ask the same thing of the Leader of the Government in the Senate. A little apology, nothing big, just a little "I'm sorry".

[English]

Senator LeBreton: The honourable senator talked about the incident of the young anarchist allegedly releasing secret government documents; even his own leader, Stéphane Dion, supported the government position, because we cannot possibly have government employees releasing secret cabinet documents.

I do not take any lessons from any Liberal on conducting myself with honesty and integrity. The honourable senator's line of questioning is so outrageous that it does not even warrant an answer.

Senator Fraser: A quick supplementary question: the minister seems to believe that Mr. Kroeker has not been promoted, but I think Mr. Kroeker believes he has been promoted. He has his own page in the institution known as Facebook. In the modern world, the minister may wish to inform herself about Facebook, but it is an Internet phenomenon whereby people post information about themselves.

Here is one thing Mr. Kroeker says about himself under the heading of work info:

Spent a great year with Marjory LeBreton, Leader of the Government in the Senate as her a parliamentary affairs adviser stirring up life in the Senate. Then after the January cabinet shuffle the Department of Foreign Affairs came calling and I accepted a promotion.

[Senator Dawson]

He goes on to say, MPs should take note:

I learned a lot from Marjory that I am applying to my job with Minister Guergis.

Would the minister care to comment?

Senator LeBreton: I always get a kick out of Senator Fraser lecturing me.

Senator Fraser: I study at your feet, minister.

Senator LeBreton: I am not into Facebook and I will never have a Facebook. I have been in politics since Mr. Diefenbaker's days, and Parliament Hill is littered with people who have worked for me or with me over the last —

Senator Cowan: That is not litter.

Senator LeBreton: Including Senator Segal.

Through all the various positions I have had in the party and in the government, I hope that people have learned things from me. As for Mr. Kroeker's Facebook, he obviously has authored that, so I cannot comment on something that I have no involvement in.

ORDERS OF THE DAY

POINT OF ORDER

Hon. Claudette Tardif (Deputy Leader of the Opposition): According to the *Rules of the Senate of Canada*, rule 22(4) states:

... a Senator shall not anticipate consideration of any Order of the Day. . .

Senator Tkachuk indicated that later this day he would raise a question of privilege.

• (1455)

During Senators' Statements, both Senator Angus and Senator Cochrane made statements that anticipated a question later on the Order Paper, and I believe that the Speaker made a ruling very recently on this very same matter.

The Hon. the Speaker: Is there further comment on the point of order raised by Senator Tardif?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I think if the Speaker will look over our history, he will find that the issue of bringing forth a question of privilege is, in fact, quite in order and is something that is done as a matter of course in this chamber.

Anticipating items that are on the Orders of the Day is something else entirely. We refer at this point to bills, motions and so on.

The Speaker will probably find that the honourable senator's point of order is a point that, if she wishes, she might want to stop senators from rising at the first opportunity, by way of Senators' Statements, to bring something to the attention of senators in this chamber. Traditionally the way to stop that practice, if she wishes, is to raise it with the Rules Committee.

Hon. Sharon Carstairs: With the greatest respect, questions of privilege are the most serious matter that we should ever deal with in the Senate of Canada. The question of privilege that was raised by Senator Tkachuk will be debated later this day. The deputy leader is absolutely correct; it should not be used in any other way until we have an opportunity to hear the question of privilege raised by Senator Tkachuk. It should not have been used as a subject matter for Senators' Statements.

Hon. Joan Fraser: I would agree with Senator Carstairs. The issue is not whether Senator Tkachuk was in order to make his quite lengthy statement about his question of privilege. It was rather longer than usual, but that is fair game.

The question revolves around the subsequent contributions by Senator Angus and Senator Cochrane. I am aware that sometimes in the past senators have used Senators' Statements as a way to get in ahead of subsequent matters that are appearing. I do not think it is a good practice. I never did think it was a good practice. I think this would be an ideal occasion for the Speaker to reaffirm that it is not a good practice and that it is not according to our rules.

Hon. Anne C. Cools: Honourable senators, I would like to speak briefly in this debate.

I think Senator Tardif has a valid point of order, and she is absolutely correct. It is in order, honourable senators, for a senator who has given written notice under rule 43 and rule 44 — the two rules are taken together — to rise during the time for Senators' Statements and give oral notice.

Senator Tkachuk's oral notice was a bit longer than a notice, and was much more than just a notice. It was actually moving into substantive debate. However, I think that can be forgiven and overlooked.

Honourable senators, I am of the opinion that senators should say more on questions of privilege rather than less. In the instance of giving notice, more information is always better than less. Senator Tkachuk, I would like to say, is quite in order in that respect.

I was not here in the house at the time, but for other senators to anticipate or to speak to the question on which Senator Tkachuk has given notice during Senators' Statements is definitely out of order. That is very much out of order because it would mean, honourable senators, that they had notice and knowledge before all other senators and the Senate itself. It is out of order for senators to operate in such a manner. It would have been quite in order, honourable senators, for them to raise similar questions of privilege on the same body of facts, particularly if they were members of the committee or senators close to the questions at hand or the alleged breaches, but we do not know what the breaches are yet.

• (1500)

Honourable senators, it does not matter whether that which it is supposedly anticipating is an order of the day. The fact of the matter is, one should not be anticipating the business that would be put before the Senate on the question of privilege. In other words, one cannot have a series of simultaneous, corollary or complementary notices occurring simultaneously, which is what happened.

Honourable senators, I was not at the committee in question, but in the wide expanse and body of law of the British system, the two most important categories of law are the law of Parliament and the law of prerogative. Many senators have heard me say this before. They are the two most understudied areas of law, yet the two most fundamental areas of law to our system of government and Parliament.

I have been saddened over the past many years at the abdication of senators in the study of these two important areas of law, even to the relegation of their mastery to staff or to whomever. I have many problems with that because there is no table officer or member of staff here who has what I would call the cast of mind of the representative. It is important because the cast of mind is a common-law mind and a particular one as it moves along.

Honourable senators, we make light of privilege in this place. We have not had a serious debate in this house on the subject of privilege for a long time. I have many problems with the current rule 43(1) in the large role it gives to the Senate Speaker. I was much happier with the old system, many years back, with what we called the committee of privileges, which is a committee of the whole house on privileges. There is no matter more important than a question of privilege or the question of any individual senator feeling that his or her privileges or the privileges of the institution as a whole have been breached. As a matter of fact, these privileges are supposed to be jealously held.

Honourable senators, it is important to understand that we are living in a different era. We are not in an era anymore whereby a senator may drag another senator out at the point of his sword to keep him from voting, but we are in an era where we can expect, most of the time, that breaches of privilege are coming either from the government, for the most part, or from the staff who work for government or even from staff who work in the service of the Houses.

I would like to thank Senator Tardif for rising on her point of order. I know that she is finding her sea legs and finding her way in this process. I know that it is not an easy thing to do. I would submit it is a difficult thing to do. I thank her for doing it.

Your Honour, it is unquestionable and cannot be disputed on this particular point that the honourable senator has not only a valid point of order, but also an extremely relevant and pertinent one.

I rarely make use of Senators' Statements. To my mind, they are for tributes, for people, for funerals, for honours to different people or to bring news of other events; but they should not be used for any questions that are debatable issues or questions on the floor of this house.

I thank honourable senators for their attention and hope that I have made some sense of this subject.

Some Hon. Senators: Hear, hear!

Hon. David Tkachuk: Honourable senators, Senator Cools ably defended my position in her initial statements, so I will not have to repeat that. I believe Senator Cools said that she was not here for the statements.

Senators Cochrane and Angus can speak for themselves. Nonetheless, the statements that they made had nothing to do with my question of privilege, but had everything to do with the fact that all three of us went over to the same committee meeting and they were describing what happened to them as well as what happened to me.

Hon. Eymard G. Corbin: Honourable senators, the other day I tried to flag the issue that the period reserved for statements would lead us into trouble if we engage in debate and this is what is happening. I profoundly regret it.

Senator Angus: It is a disgrace.

The Hon. the Speaker: I thank honourable senators for their observations on the point of order raised by the Honourable Senator Tardif. I shall take the matter under advisement. I wish to read the transcript carefully and I will report back as quickly as possible.

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Meighen, for the third reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Hon. Sharon Carstairs: Honourable senators, as you know, Senator Jaffer spoke yesterday to Bill C-9, under the impression that as official critic for our side she would be accorded the normal 45 minutes. However, due to the fact she was not the first speaker on our side and because, unfortunately, we could not get graciousness from the government's side, she was refused leave to continue her speech.

The rules are clear; they say honourable senators have 15 minutes to speak to a bill. It has become custom in this chamber to often add on another five. I suggest to this chamber that this was a particularly unusual situation. It was clear from Senator Jaffer's remarks that she believed she was the critic. She was the critic. She believed she had 45 minutes.

Therefore, it would seem to have been a simple act of generosity on behalf of the Deputy Leader of the Government to have given her the 10 minutes that she needed to finish her speech. Frankly, the situation is made all the more troubling by the fact that the government side later attempted to waste several hours in this chamber in order, I would suggest, to prevent a bill from being debated in a committee.

Honourable senators, I have just returned from the Philippines and Indonesia. I was in Manila for the purpose of leading a mission of parliamentarians to free a 74-year-old parliamentarian who had been kept in prison for some 15 months. We were able to get the Minister of Justice, the President of the Philippines and the Minister of the National Security to determine that they would not oppose his bail application, and I expect that Mr. Beltran will be out of jail some time this week.

Throughout that whole week of dealing with parliamentarians in another country, I kept thinking how wonderful it was to represent the Parliament of Canada, where my chances of being imprisoned for political reasons were probably very remote.

I then went on to Indonesia and for five days I heard 268 cases of parliamentarians from 29 countries; some of whom had been murdered, some of whom had been kidnapped, some of whom had been tortured, some of whom had been beaten.

Every day, at the end of very long days, I would walk out and say, "Wow, I am so lucky to be a member of Parliament in Canada. I am so lucky to be a member of our Senate and live in this great country." Then on my very first day back I arrived to the foolishness of this chamber.

• (1510)

Honourable senators, I took the adjournment on the debate despite the fact I did not intend to do so, and I will now finish Senator Jaffer's speech because she was not extended the courtesy of being allowed to finish it herself.

A recent article by Thomas Axworthy in the *Toronto Star* noted that the federal government is not doing its fair share to fund legal aid in the provinces. It cites the Canadian Centre for Justice Statistics to show that the average cost of taking a case to trial is estimated at \$60,000 per day, with the average length of a trial being five to eight days.

As was noted yesterday, any bill that removes conditional sentencing as an option in some cases is likely to have a heavy impact on our legal aid system. Many cases that might once have ended with guilty pleas will proceed to trial, and Canadians will all share the costs mentioned above.

Currently, the federal government contributes only to the cost of criminal legal aid services, which differ from province to province. When funding was taken out of this system in favour of general transfers to the provinces, it had a major impact on these systems in provinces such as British Columbia. The level of funding coming from the federal government has been steady for many years and the pressure has only increased.

Now this government's so-called "tough agenda on crime" is threatening to break the back of our entire legal aid system. Bills such as the one before us that remove conditional sentencing as an option, and others that we should be expecting shortly that introduce tougher sentences and mandatory minimums for some crimes will ensure that more and more cases make it to trial. When individuals face certain sentences, the legal aid system in many provinces will kick in automatically and a great burden will be placed on the criminal system.

Our Constitution requires that all Canadians have access to justice, and the Canadian Bar Association has already gone to the courts in an attempt to obtain a ruling that this guarantee extends to legal aid. These requirements will further increase the load on the criminal legal aid systems in all provinces, which may require them to shift money from their civil legal aid systems to cover the additional demand. This means that the changes we are now considering will impact the most vulnerable Canadians.

Honourable senators, these changes are happening at the federal level. It is incumbent on the federal government to increase the funding they provide to legal aid, at the very least, to cover the additional costs associated with the changes that we are now considering.

As the Standing Senate Committee on Legal and Constitutional Affairs unanimously observed in its report, the current funding levels are already inadequate and it is no longer sustainable to continue with the status quo. I would join the members of the committee in urging the government to address this situation as quickly as possible.

The other broad point that Senator Jaffer had hoped to make was that it was not our general practice in this country to lock offenders up and throw away the key. Except in some exceptional circumstances, we cannot imprison individuals indefinitely.

When we talk about conditional sentences of imprisonment, we are already talking about relatively minor offenders. Conditional sentences are only available on cases where a sentence of less than two years is the maximum allowable, and we have to ensure that judges continue to have the discretion to ensure that when these sentences are completed, the offender has the best chance of reintegrating into society.

This is the heart of conditional sentencing. It not only reduces the costs of bringing cases to trial and the costs associated with sending individuals to prison but it also accomplishes an important public safety goal by allowing an individual to serve their sentence in the community when this offers the best chance of ensuring their full reintegration into society.

Yesterday, Senator Jaffer told us about the case of *R. v. Hotten*, which had been mentioned in committee. This individual was convicted of arson against a Salvation Army church in London, to which he caused \$900,000 of damage. The conditional sentence that was handed down against this young man went on for pages, listing all manner of restrictions and conditions to which he would be bound for the next few years. It was a harsh sentence for a very serious crime, but one that allowed him to confront his personal demons with his family rather than allowing them to grow and fester in a jail cell. He is now a music teacher who is working to pay for the damage that he has done. As Mr. Hotten's defence lawyer, André Rady, told the committee, he has already paid back over \$100,000.

Honourable senators, this underscores why it was necessary to make the changes to this bill that were made in the other place. I and Senator Jaffer commend our committee for having the wisdom to not only maintain these changes but commit to finding ways to further enhancing our sentencing system.

I look forward to the results of that work.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

An Hon. Senator: On division.

Motion agreed to, on division, and bill read third time and passed.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move the adoption of this report.

Hon. Claudette Tardif (Deputy Leader of the Opposition): No.

Hon. Anne C. Cools: I would like to speak on this debate. I did not understand that it was coming to a vote today. If it would help, Your Honour, I would like to move the adjournment.

The Hon. the Speaker: Unfortunately, I heard a motion made and —

Senator Cools: There was no motion made. There was a voice calling out question.

The Hon. the Speaker: I was on my feet to put the question that was moved by Senator Comeau and seconded by Senator Nolin; then Senator Cools rose to indicate that she would like to speak.

Senator Cools: I move the adjournment again.

The Hon. the Speaker: The mover of the motion takes precedence. He has moved —

Senator Cools: Your Honour —

The Hon. the Speaker: The house can deal with the motion. It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Nolin —

Senator Cools: Your Honour is wrong. This action is out of order. Before the mover of the motion puts the question, Your Honour has a duty to find out if there are other members who wish to speak. I had no idea that —

The Hon. the Speaker: I tend to agree with the Honourable Senator Cools that it is my duty to search the house to see whether other honourable senators wish to speak.

Senator Comeau: I am prepared to withdraw my motion.

The Hon. the Speaker: Good. It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Nancy Ruth, that further debate on this item continue at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Carried on division.

Senator Comeau: No.

The Hon. the Speaker: Very well, I will put it more formally.

It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Nancy Ruth, that further debate on this item continue at the next sitting of the Senate.

All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Is there an agreement between the whips on the bell? If there is no agreement, it will be a one-hour bell.

Hon. Consiglio Di Nino: Honourable colleagues, in order for committees to sit, we could agree to call the bells for 3:55 p.m. I believe honourable senators will find that we are in agreement.

The Hon. the Speaker: There is agreement between the whips for a 30-minute bell. Do I have permission to leave the chair?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be in 35 minutes, at 3:55 p.m.

• (1555)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams
Atkins
Bacon
Baker
Banks
Biron
Bryden
Callbeck
Carstairs
Chaput
Cools
Corbin
Cordy
Cowan
Dallaire
Dawson
De Bané
Downe
Eggleton
Fairbairn
Fox
Fraser
Gill
Goldstein
Harb

Hays
Hervieux-Payette
Hubley
Jaffer
Joyal
Kenny
Losier-Cool
Mahovlich
McCoy
Mercer
Merchant
Moore
Munson
Murray
Pépin
Phalen
Ringuette
Robichaud
Sibbeston
Smith
Stollery
Tardif
Trenholme Counsell
Watt
Zimmer—50

NAYS THE HONOURABLE SENATORS

Angus
Cochrane
Comeau
Di Nino
Eyton
Keon
LeBreton
Meighen

Nancy Ruth
Nolin
Oliver
Rivest
Segal
St. Germain
Tkachuk—15

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Senate adjourned until Thursday, May 17, 2007, at 1:30 p.m.

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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VOLUME 143

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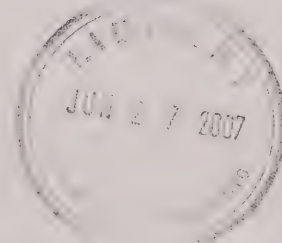
NUMBER 99

OFFICIAL REPORT
(HANSARD)

Thursday, May 17, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, May 17, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL SENIORS COUNCIL

INAUGURAL MEETING

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, during the last federal election campaign, our government promised to create a national seniors council to give seniors a say on issues that matter to them.

I am proud to say we have delivered on this promise. Next week, our government will convene the inaugural meeting of the National Seniors Council here in Ottawa. Our National Seniors Council has a mandate to advise our government on issues that matter to Canadian seniors, such as health care, personal safety, and stability and income security.

I am particularly excited about the members of our National Seniors Council. The six women and three men appointed to this council were selected through a public recruitment process in which an advertisement was listed both online and in the *Canada Gazette*.

• (1335)

A selection panel was held, which made recommendations to our government, and the appointments were announced on the front steps of Parliament Hill by Minister Solberg and me on May 3.

The individuals who sit on our National Seniors Council represent a wide and diverse range of issues relevant to seniors. All of them bring unique perspectives, both personally and regionally.

The members of our council include a woman from New Brunswick who managed an in-home support agency for seniors and the disabled for over 13 years, as well as a former registered nurse from Nova Scotia who currently works with seniors as an addictions specialist.

Our council also includes the rector of the largest seniors residential care facility in Ontario, several experts on gerontology and healthy aging and two researchers on elder abuse. Several National Seniors Council members have received awards for volunteerism, and all are leaders within their communities.

The chair of our council, which we announced on March 5, is Jean-Guy Soulière. He is a distinguished former public servant who is head of one of the largest seniors' stakeholders' networks in the country. His career accomplishments stand on their own merit.

Honourable senators, seniors asked us for a national seniors' council to study and deliver on the issues that matter to them. We have listened to seniors and seniors' groups and this council is the result.

Next week, our council will meet for the first time. I am excited about working with the council to study the issues and work with our government, so that we can continue to deliver on the priorities of Canadian seniors.

NOVA SCOTIA

COLE HARBOUR— HALIFAX REGIONAL HISTORICA FAIR

Hon. Jane Cordy: Honourable senators, I had the pleasure of attending the sixth annual Halifax Regional Historica Fair in Cole Harbour on May 5.

I am always impressed by the level of enthusiasm shown by the students when talking to them about their projects. It is evident that a lot of hard work went into the planning of their special projects. It is also encouraging to see the young people of Nova Scotia sharing their heritage.

The projects were not only beneficial to the students, but were also invaluable to those who were in attendance, as it gave us all another opportunity to gain a better understanding of our country, its history and its people through the eyes of our young Canadians.

Throughout the years, I have seen that the Historica Fair program has developed into an effective way to interest young people from across the country in discovering and learning about where they live. Canada is a vast country, rich in heritage, with so many stories to tell. I believe that Historica Fairs can serve as the spark to ignite a curiosity to learn about Canada's history.

Honourable senators, my congratulations go to the organizers of the Halifax Regional Historica Fair held. These events do not happen without a lot of work. My congratulations also go to the students, whose projects were a reflection of the proud history of our country.

WORLD HYPERTENSION DAY

Hon. Wilbert J. Keon: Honourable senators, today is World Hypertension Day, which Senator Murray would be happy to know.

As honourable senators are aware, high blood pressure or hypertension is a chronic condition that can damage key organs and lead to kidney disease, stroke, confusion, dementia and death. It also results in cardiovascular disease, which accounts for more than 30 per cent of deaths around the globe.

A startling report was recently published by three international researchers — Dr. Jan Ostergren of Sweden's Karolinska University Hospital, Dr. Panos Kanavos of the London School of Economics and Dr. Michael Weber of the State University New York Downstate Medical College.

Their work revealed that almost one billion people on this planet have high blood pressure — one in four adults putting their health in serious risk. If we do nothing to combat the condition, the incidence of hypertension is expected to swell to 1.5 billion by 2025.

Part of the blame lies with the worldwide move toward a more Western lifestyle, along with its high-fat diets, long stress-filled working hours and lack of exercise. It is a lifestyle that I am sure many people in this room find all too familiar.

The bottom line of the report is that we appear to be in the midst of a global epidemic and the implications of this epidemic are staggering.

• (1340)

At the release of this report, one of the co-authors, Dr. Kanavos, underscored this point when he stated:

Uncontrolled high blood pressure among people in their 30s, 40s and 50s will inevitably lead to increase in cardiovascular disease and stroke that will strike down men and women at the height of their earning power, potentially turning them from drivers of economic growth and sources of public revenue to long-term recipients of extensive social benefits with increased healthcare needs.

The growing number of chronically ill people at risk of serious disease will put a heavy burden on our health care and social assistance systems at a time in their lives when they are positioned to contribute. This will be the case around the world. Perhaps the only glimmer of hope we can point to in North America is that we have a better record than the rest of the world.

The fact is, we are guilty of resting on our hypertensive laurels rather than pressing ahead with the ongoing struggle. Dr. Weber stated:

Over the past 40 years, focused efforts to diagnose and control high blood pressure have helped to achieve significant reductions in cardiovascular disease, stroke incidence and death. However, we have become complacent about these achievements. The rate of cardiovascular disease reduction has levelled off and the number of people with uncontrolled high blood pressure is once again on the rise.

The challenge for us as policy-makers, physicians, scientists and individuals responsible for our own health is to determine a course of action that we must take now in order to avoid more serious consequences later.

THE HONOURABLE LILLIAN EVA DYCK

CONGRATULATIONS ON RECEIVING HONORARY DOCTORATE OF LAWS DEGREE

Hon. James S. Cowan: Honourable senators, last Saturday our colleague Senator Dyck was awarded an Honorary Doctorate of Laws Degree by Cape Breton University for her outstanding contributions to science, Aboriginals and women. The citation noted her tireless efforts in encouraging improved access for women and Aboriginals to education and careers in science.

Since her appointment to the Senate in 2005, she has continued those efforts across Canada and has repeatedly reminded us of the importance of these issues. I am sure I speak for all honourable senators on all sides of this chamber in congratulating Senator Dyck on this well-deserved honour and in assuring her how much we value and appreciate her ongoing contributions to the Senate and to the public life of this country.

THE ENVIRONMENT

REPORT ON COST OF GREENHOUSE GAS EMISSIONS

Hon. Ethel Cochrane: Honourable senators, I rise today to discuss a matter of great importance to Canadians: the costs associated with reducing greenhouse gas emissions.

The report released by Environment Canada entitled, *The Cost of Bill C-288 to Canadian Families and Businesses*, showed for the first time the price tag that Canadians would face in meeting the targets in the 2008 to 2012 period. While the model employed in this analysis was validated by some of Canada's leading economists, I know some honourable senators have reservations about the approach and feel the report over-estimates the costs.

I would like to share comments made by Carl Sonnen, from Informetrica Limited, and Professor Chris Green, from McGill University, to help allay these concerns. Mr. Sonnen said:

While certainty about the precise impact magnitude on the economy will never be agreed, that the effects would be significantly negative to overall real GDP and incomes, and that these would be disproportionately severe for energy-intensive industries is expected given the need to concentrate actions in such a short period of time.

He went on to say:

Compared to meeting targets over a longer time frame, compressing the time available to meet the Kyoto targets sensibly makes it more difficult to locate (or have available) energy-saving technologies and to have them become a major proportion of the capital stock. Under this circumstance, if there are limits to emission reductions that can be achieved through changes to intensity, it follows that meeting the targets would necessarily require a reduction in economic activity.

In reviewing the report, Professor Green from McGill University, said:

... if anything, Environment Canada's estimated reduction in GDP was too low — that the overall cost to the Canadian economy (measured in terms of GDP reduction) would be greater than Environment Canada had estimated.

• (1345)

He continues:

... I indicated to Environment Canada that they could be confident that they had not overestimated the GDP cost of meeting the Kyoto target. I said that I thought that if Environment Canada had erred in its estimate of the GDP reduction, they had erred on the low side. That is, I indicated that the cost of meeting the Kyoto emission reduction target would be greater than Environment Canada had estimated.

[Translation]

OFFICIAL LANGUAGES

2007 REPORT OF COMMISSIONER

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today I am speaking to encourage both this chamber, which defends minorities, and the government to think more about linguistic duality and official language minority communities, especially in light of the events of recent weeks.

On the same day, the work of the Official Languages committee of the House of Commons was suspended, and the Commissioner of Official Languages released his annual report.

In this report, Mr. Fraser expressed his concerns about the promotion and advancement of linguistic duality within federal institutions. He is worried about the impact certain government decisions, made without much consideration, will have on official language minority communities.

I find these events troubling. Given the situation and the reaction of community representatives and other political parties, I am not the only one. Even the National Assembly in Quebec City made its concerns known yesterday, when it unanimously adopted a motion urging the federal government to follow up on the report of the Commissioner of Official Languages.

The current government makes some grand statements in the media and in this chamber. But the concrete action it takes, for example in suspending the work of the Official Languages committee in the other place and cancelling certain programs, does not seem to correspond to these fine words.

Honourable senators, I would like us, as senators and defenders of minorities in this country, to think seriously about this apparent lack of consistency between what they are saying and what they are doing, in order to ensure the continued promotion and advancement of linguistic duality within Canadian society and our institutions.

ROUTINE PROCEEDINGS

CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Transport and Communications has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Wednesday, March 28, 2007, examined the said Bill and now reports the same with the following amendments:

1. Page 20, clause 29:

(a) Replace lines 2 and 3 with the following:

“way, a railway company shall cause only such noise and vibration as is reasonable, taking into”;
and

(b) Replace lines 7 to 11 with the following:

“(b) its operational requirements; and

(c) the area where the construction or operation takes place.”.

2. Page 44, new clause 64: Add after line 12 the following:

“COMING INTO FORCE

64. Section 27 comes into force on a day to be fixed by order of the Governor in Council.”.

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

OBSERVATIONS to the Tenth Report of the Standing Senate Committee on Transport and Communications

The Senate Committee on Transport and Communications held five meetings on Bill C-11, an Act to amend the Canada Transportation Act and the Railway

Safety Act, and heard from many stakeholders. In addition to making two amendments to the bill, your Committee wishes to make some observations about what it heard.

A number of stakeholders recommended that your Committee make changes to the bill, all of which were given serious consideration. Your Committee notes that a third and final bill to amend the *Canada Transportation Act* is expected in the near future, which will give some of these stakeholders another forum to present their concerns. Your Committee's evaluation of stakeholders' recommendations respecting provisions that they believed would have a significant impact on their industry is summarized in the following paragraphs.

Clause 7 of Bill C-11 formalizes the Canadian Transportation Agency's authority to provide mediation and/or arbitration services to resolve disputes within its jurisdiction or under commercial dispute resolution processes if all parties agree. Representatives of Canadian rail shippers expressed concern that these provisions would limit their ability to engage private sector mediators and to resolve disputes over cross-border rail services. Your Committee is of the opinion, however, that since the provisions explicitly state that recourse to the Agency's mediation and/or arbitration services requires agreement from all parties, the legislation will not prevent rail shippers from engaging a non-Agency mediator if they wish. Also, your Committee is confident that the wording of the provisions is sufficiently broad to allow the Agency to mediate between any Canadian shipper and any railway regardless of whether the shipment crosses into the United States.

Clause 12 of Bill C-11 sets the statutory review period of the *Canada Transportation Act* at eight years from the day the provision comes into force. While some stakeholders objected to the postponement of the review of the entire Act for eight years, arguing that the Canadian transportation industry will be slow to react to shifts in global markets in the interim, your Committee believes that the extended time frame will allow a review panel to better assess the full impacts of recent and upcoming amendments to the *Canada Transportation Act*. If sectors of the Canadian transportation or shipping communities identify legislative impediments as global markets evolve, your Committee is confident that the Minister of Transport will respond by undertaking an early review of all, or parts of, the Act.

Clause 27 of Bill C-11 obliges the Agency to make regulations requiring airlines advertising services originating in, or destined to, Canada to include all costs of providing the service in the price. While consumer groups generally supported this provision, some Canadian airlines felt that it would put them at a competitive disadvantage for internet sales, which represent a substantial share of total sales, as foreign airlines may not be affected by the regulations in the same way. The Committee notes that, at present, most U.S. and European carriers advertise "all-in" or almost "all-in" prices on the Internet. Moreover, the regulatory process includes a separate consultation process, giving the airlines an opportunity to have their case examined by Transport

Canada and the Treasury Board, should the proposed regulations have a potentially significant negative impact. Nonetheless, your Committee added a new clause to the bill, allowing the Governor in Council to postpone the date that the provision respecting airfare advertising regulations comes into force so that the airlines and the government will have more time to consult.

Finally, the House of Commons Standing Committee on Transport, Infrastructure and Communities amended clause 29 of Bill C-11 to require railway companies to cause "as little noise and vibration as possible" when constructing or operating a railway with due consideration to its obligations and operational requirements and the potential impact upon its residential neighbours, if it has any. Before the amendment, the standard was that the railways "must not cause unreasonable noise." Canadian railway companies believed that the new standard could present a significant threat to their economic viability as there is no jurisprudence on its interpretation. As such, the railway companies recommended that the standard of "reasonableness" be restored to the provision. While accepting that the new standard would be conditional on the railways' operational needs and obligations being met, as stated in new subsections 95.1 (a) and (b), your Committee believed that a standard based on "reasonableness" would be more clear and easier for the Agency and the courts to interpret. We have therefore amended the provision by restoring the concept of "reasonableness" and removing the reference to residential neighbours.

While your committee passes this bill with two amendments, it remains conscious of other concerns raised by the transportation industry and its users, and will monitor the impact that these and other provisions may have. After a period of two years, and should it be necessary, your Committee would then be prepared to seek an order of reference to review these new provisions.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

[English]

KYOTO PROTOCOL IMPLEMENTATION BILL

REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol, has, in obedience to the Order of Reference of Thursday, March 29, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE TABLED

Hon. Consiglio Di Nino, Chair of the Senate Standing Committee on Foreign Affairs and International Trade, tabled the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday May 9, 2006, to examine such issues that may arise from time to time relating to foreign relations generally, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to section 2(1)(c) of Chapter 3:06 of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 1553.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill C-48, An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption, has, in obedience to the Order of Reference of Thursday, May 10, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

STUDY OF THE OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Official Languages, an interim report entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*.

On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

[English]

CANADA-CHINA LEGISLATIVE ASSOCIATION CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ASIA PACIFIC PARLIAMENTARIANS' CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT,
FEBRUARY 26-MARCH 3, 2007—REPORT TABLED

Hon. Nick G. Sibbeston: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group regarding the Thirteenth Annual Assembly of the Asia Pacific Parliamentarians' Conference on Environment and Development (APPCED) held in Islamabad, Pakistan from February 26 to March 3, 2007.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL VISIT OF CO-CHAIRS,
MARCH 10-16, 2007—REPORT TABLED

Hon. James S. Cowan: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Japan Inter-Parliamentary Group regarding the annual visit of co-chairs which took place in Tokyo, Hiroshima and Miyajima, Japan from March 10 to 16, 2007.

QUESTION PERIOD

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. Grant Mitchell: Honourable senators, it is becoming increasingly difficult to believe almost anything that this government says. Case in point: Minister Baird has been defending a climate change plan for weeks now that will not meet Kyoto objectives for at least 13 years, if ever — that is, 13 years past the time that the Kyoto Protocol established that those objectives must be met.

At the same time, last week in Question Period, Minister Baird said, "We have not turned our backs on the Kyoto Protocol; we are still part of the Kyoto Protocol." One must wonder, which part?

To the Leader of the Government in the Senate, how can Minister Baird say that he is supporting Kyoto when his own climate change plan will not meet Kyoto objectives for at least 13 years, if ever?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. Minister Baird, when he made the announcement on our plans for the environment, said quite clearly that the Kyoto

goals are something that we support. He pointed out that, under the plan that we have introduced, had this plan been introduced in 1997 — 10 years ago — then we would have met the Kyoto targets.

Unfortunately, as Minister Baird pointed out, and I am sure all of us know, we are not in 1997; we are in the year 2007. Therefore, the Kyoto targets as set by the previous government — and, as Mr. Goldenberg said, those targets were set even though that government knew they could not meet them — does not take away from the fact that the goals are laudable. However, it is quite impossible to meet those goals.

As Senator Mitchell well knows, and outside experts have confirmed, to meet the goals of Kyoto would take the country back to a recession far worse than that experienced in 1981-82, which, coincidentally, was during the years of the National Energy Plan under the Trudeau government. I emphasize, honourable senators, that it was not the people within our government who were saying this but, rather, outside experts who had also reported this fact to the former government.

• (1400)

Senator Mitchell: Honourable senators, speaking of 1997, of course, the leader forgets it was during that period of time that the current Minister of the Environment was then the Minister of Energy in Ontario, presiding over the doubling of carbon emissions by coal-fired power plants in that province, not helping the national situation.

The new French president makes the point that more countries will also make soon when he promises to impose high import duties on products from countries that do not respect Kyoto. Is this neo-Conservative government not putting at risk Canadian companies that export products abroad to France and many other places when it sends the clear, unequivocal message, by resisting tooth and nail, Bill C-288, that it does not respect Kyoto in any way, shape or form?

Senator LeBreton: Honourable senators, the fact is that the leader of the honourable senator's own party made it clear in a July 2006 interview that the Kyoto targets could not be met.

The other fact is that our government has introduced a tough new plan to reduce greenhouse gases and air pollutants, cut air pollution in half by the year 2015, reduce greenhouse gas emissions 20 per cent by 2020 and impose, for the first time ever, mandatory emissions and air pollution reduction targets on industry. Our government is the first ever to introduce such a plan.

Some industries feel that we had gone a little too far, and I believe it has been proven since our announcement that in fact, it was a plan for all industries, but it was done in a way that was fair to everyone. We will involve the Canadian public because the Canadian public has a responsibility in this as well, and we take this issue seriously. I am pleased to see that a significant number of Canadians support what we plan to do.

Senator Mitchell: Honourable senators, while mouthing the supposed positions of Canadian industry on Kyoto, is the Leader of the Government in the Senate not aware that the forestry industry in Canada is already 44 per cent below emission levels of

1990, the chemical producers industry in Canada is already 56 per cent below 1990 levels, which is seven and nine times their Kyoto objectives, and that industry can do remarkable things if only they would be led to try by a government that is afraid to lead and will not try?

Senator LeBreton: Honourable senators, that is a big mouthful.

The government is working and has worked closely with industry.

Senator Mitchell: You are killing me with those quick comebacks.

Senator LeBreton: The thought of that is so delicious for me to think of that I can hardly contain myself.

We have worked with industry across the board. We had to be cognizant of industries and the impact on the Canadian economy. I think that honourable senators will agree with me that a poll released only a couple of days ago shows that the Canadian public, while they want something done with the environment, when it comes to doing it themselves, are not so enthusiastic.

Senator Mitchell: That is what leadership is all about?

Senator LeBreton: That is right. That is why the government brought in a plan, for the first time, that regulates emissions and applies standards. Unlike the previous government, which did nothing and worshipped at the feet of that fraud, Al Gore, this government is doing something.

• (1405)

Speaking of Al Gore, it was interesting to note today in the *Ottawa Sun* that Al Gore, in 1997, refused to endorse the Kyoto accord. Why? Here is what Mr. Gore said:

We will not submit this (Kyoto) for ratification until there's meaningful participation by key developing nations . . .

The article goes on:

Problem is, Kyoto required nothing of developing countries such as China and India when Gore made that statement 10 years ago . . .

Nothing requires them now to do the same thing, so Al Gore, for all of his running around mouthing off, living in a house that creates a huge environmental footprint, but he, like the previous government here in Canada, did nothing.

POLICY ON CLIMATE CHANGE

Hon. Terry M. Mercer: Honourable senators, it appears that the Leader of the Government in the Senate wants to continue to live in the past. She is now quoting old statements by former U.S. Vice President Al Gore. I want to move this debate into the present and into the future. The enthusiasm that the Leader of the Government in the Senate has for this file is overwhelming. You can feel the energy in here. She really wants to get at this job.

Yesterday, Governor Arnold Schwarzenegger's environmental advisor, Terry Tamminen, said that Canada's growing-old government is making the same mistake that the Bush

government is making by failing to take urgent action on climate change. The intergovernmental panel on climate change has warned that the world has about 15 years to avoid catastrophic damage to our environment. It is not hard to see that the plan of Canada's growing-old government does not go nearly far enough.

Indeed, former U.S. vice-president Al Gore, whom the leader likes to quote, has called the plan a fraud. David Suzuki, a great Canadian environmentalist, says it is an embarrassment. Does the Leader of the Government in the Senate even believe in the science of climate change, since her government's plan does nothing to fix the problem?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator should have listened to my answer to the last question, because he did not catch it when I said that Al Gore is the fraud, not our plan, or he would not have been quoting his hero, Al Gore.

The fact is that the cleaning up of the environment, reducing greenhouse gases and reducing air pollution are very serious issues. The Canadian public deserves action. We are providing action. In Budget 2007 we invested \$4.5 billion to clean our air and water, reduce greenhouse gases and protect our natural environment. The budget confirms that there is \$1.5 billion in the Canada ecoTrust for a provincial and territorial clean air and climate change project, and we have been watching the various announcements that have been made between the federal and provincial governments; the latest in that beautiful part of Nova Scotia at Pictou Lodge on the weekend. There is \$2.2 billion for measures to support cleaner transportation, including a new rebate for fuel-efficient vehicles, a new excise tax to discourage inefficient vehicles, a scrappage program for older vehicles, and support for renewable fuels.

We also introduced \$93 million for a national water strategy to clean up the Great Lakes and the Lake Winnipeg Basin, among other things, and the budget confirms that there is \$225 million for the Nature Conservancy of Canada and provides funding for ecologically important lands in the Northwest Territories and for British Columbia's Great Bear Rainforest.

Of course, we are phasing out the accelerated capital cost for general investment in the oil sands by the year 2015.

• (1410)

Senator Mercer: Honourable senators, the leader insists on doing this to herself so I must help her along.

She again called former Vice-president Al Gore a fraud. What former Vice-president Al Gore is to this government is an inconvenient truth because he speaks the truth.

Canada's growing-old government says it has a plan. The same plan allows emissions to increase for the next five years. I told the leader a moment ago we have only 15 years left, so for five years we are still increasing emissions.

If the Leader of the Government in the Senate believes in the science of climate change, she must believe that carbon emissions cause climate change.

Only yesterday, it was announced that Toronto is one of 16 cities around the world receiving a portion of \$5 billion in financing to “go green” by renovating buildings to cut carbon emissions. This financing was not announced by our Prime Minister or by Minister Baird, however, but by former U.S. President Bill Clinton. Clinton said Citi, Deutsche Bank, JP Morgan Chase, UBS and ABN Amro, have each committed \$1 billion to finance these upgrades.

If a former President of the United States can help one of our own cities “go green”, can the Leader of the Government tell us why Canada’s growing-old government will not admit its Green Plan is a sham and not even worth the paper it is printed on?

Senator LeBreton: We have our Green Plan. I remind honourable senators that there were three federal budgets in the year 2005, when the honourable senator’s government was in office, including the NDP-driven budget, which would have given the honourable senator a little clue, do you not think?

I also point out to honourable senators that environmentalists at the time were not at all impressed with the February 2005 budget or with the fact that Mr. Goodale’s budget speech did not even mention the word “Kyoto” once. Then, of course, we had other colleagues of the senator’s, former Liberal Environment Ministers Christine Stewart and David Anderson, along with the aforementioned Eddie Goldenberg, who have admitted that the honourable senator’s government, the Liberal government, and Mr. Dion never had a real plan or a real commitment on the environment. In contrast to that, we are taking serious and active measures.

With regard to the honourable senator’s question of the announcement yesterday in New York, I watched part of it on the news last night, and I think —

Senator Dawson: I saw you on the news last night.

Senator LeBreton: Yes, I saw that too. I think any measure like that of former President Clinton is a credible initiative, and anyone who cares about the environment would be happy to see more initiatives like that.

Senator Mercer: The Leader of the Government in the Senate continues to dwell on the past and talk about what we did not do. She continues to remind us that last year they won the election.

I want to know, after all this time, when will the leader stop talking the talk and start walking the walk? Let us get the job done.

Senator LeBreton: Honourable senators, Senator Mercer is out of touch. He has not seen all the Ecotrust announcements and he has not seen the regulations announcement by Minister Baird. I have pages and pages of announcements the government has made on the environment, and I will be happy to provide them to Senator Mercer in large print.

KYOTO PROTOCOL—IMPACT STUDIES

Hon. Dennis Dawson: We saw the leader walking the walk last night on CBC television.

• (1415)

As you know, Senator Mercer talked about Mr. Tamminen, environmental adviser to Mr. Schwarzenegger. Since the Prime Minister will be meeting with Mr. Schwarzenegger in a couple of weeks for a photo opportunity, perhaps the Leader of the Government could ask the Prime Minister to request a meeting between Mr. Baird and Mr. Tamminen to discuss the environment in order to keep updated on what is happening.

[Translation]

You mentioned Mr. Gore earlier. In French we have a saying that only Conservative ministers and fools never change their minds.

My question is for the Leader of the Government in the Senate. Many experts have criticized the dishonest study ordered by the Minister of the Environment to analyze the impact of the Kyoto Protocol on the Canadian economy. These very experts have refuted the falsely disastrous economic forecasts Minister Baird read into it.

Does the Leader of the Government in the Senate still believe that the figures presented by the minister are correct?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the fact is, as *The Globe and Mail* editorial pointed out a week ago, these economic impact studies had been done and presented to the previous government, which lacked the courage to take the steps that we are taking. I will not comment on the honourable senator’s insulting remark about what they call us in French. The fact is that the honourable senator’s government had those impact studies and they chickened out and did not get the job done. We intend to get it done.

[Translation]

Senator Dawson: Honourable senators, I find it irresponsible to support the faulty statements of the Minister of the Environment that have been shot down by everyone.

Dave Martin of Greenpeace mentioned that the cost of taking action to combat climate change is 20 times less than the cost of not taking action. Line Beauchamp, Quebec Minister of the Environment, found the government stand alarmist. Clare Demerse, of the Pembina Institute, said that the Conservative government’s study did not take into consideration the costs of climate change and the benefits of taking action. Anthony Cary, High Commissioner of Britain to Canada, has criticized the Harper government’s environmental position.

Does the Leader of the Government in the Senate believe that all these experts and public figures from around the world, representing a majority of public opinion and the international community, are mistaken and that only she, the Prime Minister and Mr. Baird are right?

[English]

Senator LeBreton: Honourable senators, my response to that is: of course not. Only Liberals think that way. The honourable senator might as well throw in David Suzuki and Al Gore. The people he has listed have a view on this matter.

However, other people have studied the impact of implementing Kyoto, not only Mr. Baird or our government. The result was an impact study done by the previous government and supported by economic experts. That impact study showed that if Kyoto is implemented, 275,000 Canadians would lose their jobs by 2009; the cost of electricity bills would jump by 50 per cent; the cost of filling your gas tank would jump by 60 per cent; and the cost of heating a home with natural gas would double.

I heard Senator Cordy say “fear-mongering.” We are not fear-mongering, we are simply reiterating the report as it was presented to your government, which you did not acknowledge. That report has been backed up by independent experts. The Canadian public, quite rightly, wants the government to take action on the environment, and we are doing so. They want us to do it in a reasonable and balanced way that deals with the issues of climate change, pollution and safe drinking water. At the same time, they want us to do it in such a way that their lives are not unduly affected by loss of income or jobs.

We have always approached this subject with three things in mind: the environment, the Canadian energy sector — which is so important to the health of the Canadian economy — and the economy itself.

• (1420)

The launch of Minister Baird’s program and the many announcements we made all over the country, despite all the screeching of the Suzukis and the Gores, have managed to penetrate Canadian thinking, because most Canadians are reasonable people and they know nothing was done. They know absolutely nothing was done, and they know that we have a plan that is reasonable, balanced and fair, and we will implement it.

GLOBAL WARMING— INITIATIVES TO ASSIST THE TERRITORIES

Hon. Nick G. Sibbeston: Honourable senators, in the next few weeks, I will take a trip to the Arctic to visit people in some of the Arctic communities. While I am there, I hope to drop in close to the North Pole to see Santa Claus. As you know, Santa Claus is real and true. He lives in the North and depends on cold weather to be happy so that he can make the toys for the people of our country.

Climate change in our country is felt most in the Arctic. Already winters are milder, summers are warmer, and people are seeing birds and insects that elders have never seen before. The climate in the North is truly warming up. Infrastructure such as roads, highways and airports are affected by this warm weather. People of the North, when they heard that the government initially would deal with the issue through the Kyoto accord process, were happy that the government in the South, would do something that may reduce the greenhouse gases that have the effect of warming the North.

The Government of the Northwest Territories is trying to deal with the effects of global warming, but they of course have limited budgets. Is the leader’s government willing to do something? What is the government prepared to do to help the governments in the North deal with the effects of global warming?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is too bad the senator started off with the reference to Santa Claus and the North Pole, because this issue is serious. Mentioning Santa Claus is almost as ridiculous as Senator Munson’s question asking me where Osama bin Laden is.

Senator Mercer: Conservatives are against Santa Claus.

Senator LeBreton: Making reference to Santa Claus and the North Pole is a little bit beyond the pale.

In any event, the Arctic, in all of its possibilities, is important to this government, not only on the environmental side but also in terms of our sovereignty over our northern waters and, therefore, in terms of our military capability in the North. These issues are all important for our government.

I harken back to the government of John Diefenbaker in the late 1950s and early 1960s when he made a real effort to develop the North and help the livelihood of the people living north of 60. He embarked on a program called “Roads to Resources” that was derided at the time by the Liberals as roads from igloos to igloos. I hope we will not have that situation again. I dare say that had any Conservative ever said that, we would have been roundly criticized from coast to coast to coast.

Honourable senators, the Prime Minister, during the election campaign before Christmas in Winnipeg in December 2005, made an important announcement with regard to Arctic sovereignty.

I can say only that the Arctic is of great importance to the government. We are working on several fronts, and also in conjunction with the governments of the territories. I hope that the government will soon be in a position to make announcements on all fronts with regard to the North.

• (1425)

Senator Sibbeston: Honourable senators, I can see that the Leader of the Government has no sense of humour. I raised the issue of Santa Claus because Canadian children truly think that he lives in the Arctic. I was trying to lighten the atmosphere in here. In the last few days we have heard venomous, viperous remarks from the Leader of the Government. We in the North are not very partisan. We come to this place with a view to doing the best we can for our constituents. What we have heard from the government leader is so partisan that it brings down the worthiness of this place. For her to admonish me about talking about Santa Claus is just not called for, with all due respect.

I said it with a sense of humour. Where is the Leader of the Government’s sense of humour? Where is her goodness? Where is her innocence, as it were?

I am asking because I do not like to be admonished and criticized for talking about Santa Claus. I say it sincerely. I am saying I am going to the North. I am going to talk to the people of the North. While I am there, I will look for Santa Claus. Does he not exist at the North Pole? Canadians think that he does. I do not appreciate being admonished in any way by the government leader, and I just say that she is truly a Scrooge!

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting two answers to oral questions, one raised by the Honourable Senator Hays on February 28, 2007, in regard to summer jobs for students in the wake of the decision by Canada Border Services Agency officers, and another raised by the Honourable Senator Milne on May 3, 2007, in regard to financial assistance to help farmers and other producers manufacture and market innovative products.

PUBLIC SAFETY

BORDER SERVICES AGENCY—ARMING OF GUARDS

(Response to question raised by Hon. Daniel Hays on February 28, 2007)

The presence of students in Canada Border Services Agency (CBSA) positions where officers are to be armed will be phased out over time. Students will be replaced by part-time, fully-trained and equipped CBSA officers. Any person who is carrying out the duties of a CBSA officer at an armed location will be fully trained and equipped. However, the Agency will continue to employ students in positions such as postal centres and airports, where CBSA officers are not to be armed.

That being said, the arming of CBSA officers will have no impact on the hiring of students in this organization for summer 2007.

INDUSTRY

FUNDING SUPPORT FOR AGRICULTURE INNOVATION— FUNDING FOR RESEARCH AND DEVELOPMENT

(Response to questions raised by Hon. Lorna Milne on May 3, 2007)

Canada's New Government recognizes the opportunities innovation brings to the agricultural sector. The development and commercialization of innovative technologies and products are key to a vibrant and sustainable agricultural sector, and can have additional environmental and social benefits.

The Advancing Canadian Agriculture and Agri-Food Program, commonly referred to as ACAAF, is a five-year, \$240 million program launched in 2004 which aims to position the sector at the leading edge in its ability to seize new innovative opportunities. Numerous projects, both on regional and national levels, have been funded through this program to help the sector in the development and adoption of innovative products and processes, and in bringing these products and processes out of the research stage and into pre-commercialization.

On January 23, 2007, Canada's New Government announced the Agri-Opportunities Program. This five year, \$134 million program seeks to position

Canada's agriculture and agri-food sector at the leading edge to seize new opportunities, increase demand for primary agricultural products and generate benefit across agricultural value chains. Agri-Opportunities aims to accelerate the commercialization of new and innovative agri-products or bioproducts, processes or services that are ready to be introduced into the market place and that are currently not produced or commercially available in Canada. The program provides a maximum contribution of \$10 million per project and per recipient, regardless of the number of projects, over the life of the Program.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, at the end of Question Period on Wednesday, May 16, 2007, Senator Tardif rose on a point of order to object to statements made by Senators Angus and Cochrane. Referring to the Ruling of May 2, she noted that Rule 22(4) states that, when making statements, "a Senator shall not anticipate consideration of any Order of the Day."

Honourable senators, guidance on this matter is to be found in Rules 23(8) and 44(3). Rule 23(8) states that, after Question Period, the Speaker shall call for Delayed Answers, Orders of the Day, Inquiries, and Motions. Rule 44(3) is, in turn, quite clear that a putative question of privilege is taken up after the Senate has completed consideration of the Orders of the Day or by 8:00 p.m., whichever is earlier. By its very language, stating that consideration of a putative question of privilege will occur "when the Senate has completed consideration of the Orders of the Day," it is clear that, under Rules 43 and 44, this does not fall into the category of items included in the Orders of the Day. A putative question of privilege, rather than being an Order of the Day, is an opportunity for a senator, providing certain conditions respecting notice are met, to raise an urgent matter relating to privilege.

• (1430)

[Translation]

As Senator Corbin explained, Senators' Statements and Question Period are not times for debate. The essential characteristic of debate is that it is a process whereby the Senators participating seek to support their own position and to bring others around to it. This was not the case with respect to the statements in question. Senators Angus and Cochrane were expressing themselves, in accordance with Rule 22(4), on a matter they considered to be of public consequence. This is distinct from, although it may be close to, the more argumentative process characteristic of debate. This issue happened to relate to the question of privilege of Senator Tkachuk, of which he had given oral notice only moments earlier. There is nothing to prohibit several Senators addressing the same topic during Senators' Statements, just as can be the case during Question Period. Furthermore, giving oral notice does not deprive another Senator of the opportunity to make a statement before the matter has been taken up by the Senate.

The statements in question did not, therefore, violate Rule 22(4) and were in order.

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Senator Fairbairn, were you intending to raise a matter?

Hon. Joyce Fairbairn: I believe, Your Honour, that the issue has been settled by both sides that the Standing Senate Committee on Agriculture and Forestry is prepared to go on its way to Nicolet.

domestic dispute and where the non-custodial parent, in the case of a terminal illness or critical condition, would indeed have the possibility of asking that there be one or more opportunities to see the child under these most extraordinary circumstances.

It was a privilege to study this bill. Bill C-252 advances the law and the justice of this country on behalf of not only children but also parents.

Hon. Anne C. Cools: I want to speak to this bill, but I am not ready to speak to it today.

On motion of Senator Cools, debate adjourned.

[Translation]

ORDERS OF THE DAY

DIVORCE ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin, for the third reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: As one of the speakers to Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition), I wish to tell honourable senators that in committee we had a long and good discussion about the intrinsic meaning of this bill. We had two worthy representatives from the Department of Justice who answered our questions and provided further explanation of the bill and the process that it has gone through. In the end, I believe I speak for all senators on the committee in saying that on that day of additional hearings and clause-by-clause consideration, we were reassured that there are two essential features of the bill.

First, there must be a material change in terms of the condition of the non-custodial parent, in other words, either in terms of a terminal or critical illness, which would have to be well documented by the attending physician.

Second, in all cases, as always, one would look to the presiding judge to assure that whatever decision came from that appeal regarding material change in the condition of the original settlement case was in the best interests of the child. We spoke repeatedly about the best interests of the child, about what this means and how it is protected, no matter what the circumstances.

Essentially, the same principles, of course, apply to this bill as to the Divorce Act. In the Divorce Act, the best interests of the child are first and foremost, and underlie all considerations.

I wish to say that our committee had a worthwhile discussion and we believe that this bill deserves to go forward. It will be helpful in a certain number of cases where there is an ongoing

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, for the second reading of Bill C-293, respecting the provision of official development assistance abroad.
—(*Honourable Senator Segal*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this morning we discussed this with the Deputy Leader of the Opposition. We wanted the speech at second reading to be delivered by a senator from our party this afternoon. However, I found out around 10 o'clock this morning that our spokesperson will be absent this afternoon. Unfortunately, he will not be able to give his speech today. I would like to assure you that the speech will be given at the next sitting of the Senate. If our spokesperson is not here next Tuesday to deliver his speech, we will proceed with referring the bill to the committee, and the speech will be delivered at third reading. As such, I would like to adjourn the debate.

On motion of Senator Comeau, debate adjourned.

STUDY ON CANADIAN TELEVISION FUND

REPORT OF THE TRANSPORT AND COMMUNICATIONS COMMITTEE— DEBATE CONCLUDED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Transport and Communications entitled *The Challenges Ahead for the Canadian Television Fund*, presented in the Senate on May 10, 2007.—(*Honourable Senator Bacon*)

Hon. Lise Bacon: Honourable senators, I had the pleasure of presenting the report of the Standing Senate Committee on Transport and Communications entitled *The Challenges Ahead for the Canadian Television Fund*. The committee met several times and heard witnesses who enabled it to put the main issues relating to the Canadian Television Fund into perspective.

Our attention was drawn to the fund when two major companies decided to cease making their monthly contributions to it. We wanted to find out more about their concerns and the current state of affairs.

In light of everything we have learned, we are now in a position to take a more informed look at the fund. We wanted to highlight certain realities that affect the Canadian television market. Our market is small.

• (1440)

We have two television systems: one in French and the other in English. We live next door to the largest producer of television content in the world, the United States.

It would be considerably unfair to compare the Canadian reality to the U.S. experience in the area of television. Successful American shows earn significant revenues and have large audiences. Despite this intense competition, Canada can be proud of its many success stories in television.

This is quite true for the francophone market and for the anglophone market. From *La petite vie* to *Degrassi, the Next Generation*, Canadians recognize themselves in their television shows. They have a window on their world and television programming that reflects who they are.

We must never fall into the trap of minimizing our success. Nonetheless, we have to look to the future with determination and identify the challenges to come. We must continue to believe in a strong public broadcaster, the Canadian Broadcasting Corporation. In the report, we indicate practical reasons justifying why the public broadcaster, CBC and Radio-Canada, should be entitled to receive money from the fund.

CBC/Radio-Canada has historically made more effective use of money received from the fund, for television dramas in particular. The world we are living in is ever-changing and the arrival of new broadcasting methods is no longer strictly science fiction. In its third recommendation, the committee suggests that the fund should include in its spending envelopes funds to support new media projects.

We reiterate in our report that it is a privilege to be part of the broadcasting system in Canada. The policy of subsidies for Canadian television production has been in place for almost a quarter century. The policy is not opposed to commercial interests, but it goes beyond them to meet social and cultural needs.

The report is not an exhaustive study on guidelines for funding Canadian television. We candidly address a number of matters. We point out that despite the need to question how the fund currently operates, it is still imperative to prevent the industry from developing in a context of financial uncertainty.

Our first recommendation reflects that concern. We recommend that the CRTC immediately change the Broadcasting Distribution Regulations to make the monthly contributions to the Canadian Television Fund a legal requirement. We would like to see objective performance criteria put in place to help the fund fulfil its mandate more effectively. We are well aware that our

input is just the first step in a more far-reaching examination of the future of Canadian television production.

It will be important to consider how a production assistance fund can evolve so as to be even better able to promote the creation of more Canadian programs and how it can motivate producers to make the necessary efforts to improve program quality.

I hope that the work of the Standing Senate Committee on Transport and Communications will serve as a springboard to a broader reflection on the future of television in Canada, and I thank all the senators who took part in our discussions and deliberations during this study.

Hon. Rose-Marie Losier-Cool: Would Senator Bacon accept a question?

Senator Bacon: Yes.

Senator Losier-Cool: You are talking about public money. When you conducted your study, did you meet with Acadians or francophones from minority communities who feel that Radio-Canada and RDI programming does not really reflect the whole country?

In other words, on RDI, we often hear people say, "Here in Quebec". If Peter Mansbridge were to say, "Here in Toronto", what would happen to the rest of Canada? Did your report raise the issue of programming to reflect Canada's entire francophone community, which is really one of Radio-Canada's objectives?

Senator Bacon: That issue was not covered in our report. The terms of reference did not include programming per se. The issue under study was how the Canadian Television Fund is distributed and what its future would be.

The study that we have begun with this report will have to go further and take a deeper look at the various areas, as you are suggesting today.

The Hon. the Speaker: If no other senators wish to speak, the debate on this item has concluded.

[English]

QUESTION OF PRIVILEGE

Hon. David Tkachuk: Honourable senators, may I begin by informing the Senate and His Honour that should His Honour find that I have presented evidence of a prima facie case of a question of privilege, I am prepared to move the necessary motion to have this matter sent to committee.

My core issue is that the conduct of Senator Banks has obstructed me from the ability to discharge my duties in committee. On Tuesday, May 14, after the bells rang in the Senate and the Speaker called for quorum, the upper chamber was adjourned. I and my colleagues, Senator Cochrane and Senator Angus, waited for the Speaker to leave, as is the custom in this place, and then made our way to the East Block, as members of the Energy Committee, to participate in clause-by-clause consideration of Bill C-288.

I left the chamber following the Speaker and went directly to the committee room in room 257 of the East Block. As I entered the meeting room, Senator Banks, to my surprise, did not call the meeting to order but adjourned it. In the absence of any Conservative members of the committee, Senator Banks had conducted clause-by-clause consideration on the bill and was going to report it.

Actively assisting Senator Banks, and without protest, were Senator Milne, Senator Mitchell, Senator Kenny and Senator Lavigne. The Clerk of the Committee was neither asked by the chairman for her opinion of the proceedings nor did she offer to share one. Not one senator raised their voice in protest.

• (1450)

I erroneously mentioned in my statement yesterday that Senator Spivak took part in these events. I have since learned that she went to the committee meeting, but was not present during that time of the committee meeting, and I want to apologize to her for my misrepresentation yesterday.

According to the *Debates of the Senate*, the Senate adjourned at 7:20 p.m., and according to the evidence from the committee, Senator Banks called the meeting to order at 7:23 p.m. They then passed all clauses of Bill C-288 before we could physically get to the meeting. The meeting was over in less than two minutes. The actual time it took them to do clause by clause was, I am told, less than a minute. In fact, in my hand I have the transcript of the committee hearing. It is less than two pages long and consists of 179 words of dialogue.

The Senate ordered me, by making me a member of the committee, to participate in the deliberations of the committee, including its examination of Bill C-288. The first duty of all senators is to attend and to devote their attention to the deliberations of the whole Senate. When we meet in this chamber, the duty to be in this chamber, unless otherwise excused, is basic and primary. Any action that impedes a parliamentarian from that attendance can be and has been considered a contempt.

Many cases dealing with the other place are outlined in Marleau and Montpetit on pages 83 to 89. In Erskine May's *Parliamentary Practice*, twenty-second Edition, page 121, it says the following:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings.

At page 95, May has this to say:

An individual Member takes part in a proceeding usually by speech, but also by various recognized forms of formal action, such as voting . . .

The Senate expects members to be in this chamber. Indeed, we do not permit committees to meet while the Senate is meeting except with specific permission of the whole Senate.

Honourable senators, allowing for the exit of the Speaker, the chair of this committee gave us less than three minutes to get from the chamber in Centre Block to room 257 in the East Block before

starting clause-by-clause consideration, which itself was completed in less than a minute. It was a blatant and obvious attempt by the chairman of this committee, abetted by his Liberal colleagues, to prevent us from doing our duty as senators.

While we may have used the rules to try to encourage further consideration of this bill, just as the majority used their numbers to force a clause-by-clause vote by a strange display of adjournment and then not adjournment, this is part of the business of this place. We came up short in our endeavour and were prepared to go and fight it out in committee. We believed we could cause debate, but in the end, they had the numbers to overwhelm our side. We had amendments to consider that would have made the bill more palatable and reasonable, amendments based on the testimony of witnesses, but in the end, we believed we could not win if the majority were set on passing the bill as it stood.

This is not a game, though one Liberal senator mentioned to one of my colleagues Tuesday night that, as far as he was concerned, it was. This is serious business. We believe, based on the testimony of witnesses that both sides found credible, that this bill will force undue hardship on Canadians. Those opposite believe it is necessary to save the planet. There is a chasm here, though one that is, I believe, bridgeable, a point that my colleague Senator Angus made time and again in committee. Instead of working together to bridge that chasm, I, as a senator, along with my colleagues, was denied the right to speak, participate and vote.

As I walked out of the committee meeting, I thought about those who vote in countries where thugs with guns try to prevent them from doing so. I thought about my grandparents who came here and taught me about my obligations to vote. For them, it was most important. Some here believe they are so firmly entrenched that they can deny others their rights and no harm is done. It is just a game.

Honourable senators, this is the Senate. If there is one thing that we are here to do, it is to carry out our obligation to protect democratic freedoms and to set examples for this nation and the world. Arranging it so that certain members of this committee are unable to vote is hardly setting an example. When I walked into that room, certain senators there were snickering and laughing, as were their aides. Their bosses set a fine example for all of them. Chamber of sober second thought? I do not think so.

The right to vote is the most important right in this place, and honourable senators have a duty and an obligation to protect that right. A chairman of a committee has a moral obligation to protect that right. A chair is not a chair of the Liberal side of the committee or the Conservative side of the committee; he is a chair of the entire committee. The chair should have been looking after my interests, at least as far as procedural fairness goes.

Senator Baker, in consideration of Bill S-4 in committee, made a strong argument about procedural fairness, giving an impassioned plea in that regard for Bill S-4 in committee last week.

By contrast, this chair acted in a way that prevented me from doing my job and my parliamentary duty. As a member of the committee, I am supposed to ask questions, debate bills and issues and propose amendments to bills and, certainly, vote on

clause-by-clause consideration of a bill. Those are my functions and our functions. They are the functions of each and every one of us. To interfere with me or any honourable senator in performing our functions is a breach of privilege.

With respect to privilege, Beauchesne states the following:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions . . .

Honourable senators, parliamentary privilege comprises the right, according to parliamentarians and to Parliament, to enable them to fulfill their parliamentary functions without interference and without obstruction. Any such actions that obstruct Parliament and its members in the performance of their duties are considered contempt of Parliament. The behaviour of the chair constituted such actions.

What I am seeking is a genuine remedy that the Senate has the power to provide. I am raising it because I believe that the actions of the chair of the Standing Senate Committee on Energy, the Environment, and Natural Resources constitute a grave and serious breach that I believe needs to be corrected.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, as recognized in earlier decisions, such as the one rendered on October 20, 2005, from which I quote, "Traditionally, committees are regarded as the master of their own proceedings". For a committee to meet, the rules require that there be a quorum, and that the committee give public notice of the meeting.

When the Standing Senate Committee on Energy, the Environment and Natural Resources met on Tuesday, after the Senate adjourned, quorum was met and notice had been given that the bill would be examined clause by clause.

In addition, I would like to remind everyone that some standing committees have previously done their work and continue to do their work, even if members from the other side are not present.

[English]

The committee had given public notice that it would be meeting just as other committees had and, therefore, it met at the adjournment of the Senate, as it had indicated.

There is nothing untoward about the Standing Senate Committee on Energy, the Environment, and Natural Resources having met on May 15. Other committees, such as the Standing Senate Committee on Foreign Affairs and International Trade also met that night at the adjournment of the Senate.

Senator LeBreton: They waited until people got there.

[Senator Tkachuk]

Senator Tardif: The Standing Senate Committee on Foreign Affairs and International Trade, which is chaired by Senator Di Nino, even heard from Minister of Justice Nicholson in their study of Bill C-48. No one has objected to that committee having met when the Senate rose the day before, or that its proceedings are not legitimate.

• (1500)

I also wish to note that it is normal practice that committee members gather in the room where the committee holds its meetings so that when the Senate rises, the committee can begin to work as soon as possible.

What we have before us, therefore, is not a question of privilege but rather a complaint that an attempt on May 15 to manipulate the normal course of conduct in the Senate, in order to prevent the Standing Senate Committee on Energy, the Environment and Natural Resources from meeting on the Kyoto bill, did not succeed.

[Translation]

What the Speaker must consider, and what we all must think about and consider, is the relevance of using the Senate itself as nothing more than a tool to prevent the committee from meeting and examining a bill largely supported by Canadians across the country.

This is what we should be discussing, rather than this complaint disguised as a question of privilege.

[English]

Hon. Consiglio Di Nino: Honourable senators, first, I too am disappointed by the actions of Senator Banks as chair of the committee. The normal courtesies that we extend to each other, as chair or as members of a committee, are that unless it is absolutely impossible, no business is conducted without both sides being present. That is a courtesy which has been accepted and used by this chamber for the number of years that I have been around this place.

I must say that chairmen of committees from the Liberal side of the chamber have been very courteous to me in particular because, as honourable senators know, our numbers have been such that at times we are running from one place to another, and I have had committees awaiting my arrival before starting their meetings, and I thank them for that. I believe that is the right thing to do. That is a courtesy that we have extended which makes this place work.

However, I understand that there are times when that is not possible, or there are times when, because of certain disputes, that will not happen. There was absolutely no indication at this time that the members from this side would not be attending that meeting. There was no indication given, to the best of my knowledge. If any indication existed, it was probably in the minds of members and not in reality.

The comment was made about the Foreign Affairs Committee. I think my colleagues on both sides will back me when I say that I will not run a meeting, and I have not done so —

The Hon. the Speaker: If I may interrupt the honourable senator, not only because the rules require that the honourable senator must speak from his or her place in the chamber, but there is a technical reason and that is so that we can all hear through the microphones.

Senator Robichaud: He wants to come on this side.

Senator Di Nino: I advise His Honour that they will not let me speak from over there, otherwise I would join my friend any time, as a friend.

The point I am trying to make is that at the meeting of the Foreign Affairs Committee, which was held at the same time, I as chair waited until we had not just a quorum but enough members from the other side who had indicated an interest in attending, even though I had a quorum, because we felt that the issue being discussed was an important one. It is a courtesy that I believe has been the norm in this chamber.

My honourable colleague the Deputy Leader of the Opposition suggested that this side was attempting to obstruct the process of the committee. I would say that she could have used that argument if there had been a period of five minutes or a period of 10 minutes. We know very well that it takes more than one minute — unless you are God, and certainly no one on this side is God — to go from this place to the committee room in the East Block. Perhaps Senator Mercer is a god, but I am not.

The Deputy Leader of the Opposition talked about continuing to work as soon as possible. That, honourable senators, does not mean commencing the discussion or the process on a very important piece of legislation which is contentious, which has opposition, with which we do not agree, within a minute after the adjournment of the Senate. That is unreasonable.

Honourable senators, I suggest that the actions taken were an insult and an offence to each and every one of us, including myself.

Hon. Elaine McCoy: Honourable senators, since Senator Tkachuk mentioned that I was at the meeting, I rise to thank him for what I took to be an implied compliment that I might indeed have helped this senior senator from Saskatchewan in his predicament.

As an independent observer at the meeting, I wish to say that I did not intervene for one reason: that I had no knowledge of the strategy that might have been worked out in a caucus to which I do not belong, the Conservative caucus. Having observed the activities in this chamber, which seemed to have been a delaying tactic to pre-empt the meeting of the committee which failed because they were unable to maintain a quorum, I was not certain as to what their next step might be. For example, I had observed this very senator leave the Environment Committee meeting a few days earlier, saying that he “did not have to listen to this” as he left the committee room. I thought that perhaps he did not want to participate in the debate after all.

On the other hand, I have seen him, and others of his caucus, not join other standing committees as well, so rather than interfere with the private matters of the caucus, I did not want to

put myself forward. I also observed other senators arrive from this chamber and gather in short order after the vote had been taken, so I take it to have been a possibility to have actually, physically, made the meeting within the limited time.

To explain my non-intervention as a neophyte senator, I just wanted to put on the record that there are considerations beyond that which have been raised by the senator from Saskatchewan.

Hon. Tommy Banks: Honourable senators, in speaking to Senator Tkachuk's question of privilege, I want to say that he has not been denied the right to debate this question and he has not been denied the right to introduce amendments to the bill, because I anticipate, now that the debate on the bill in substance will begin presently, that that debate will be hearty, long and complete. As all senators know, amendments to bills can be introduced at the third reading stage, and often have been.

As to the questions about the clock, as His Honour noted a couple of weeks ago, there are clocks and there are clocks. It has been said by members opposite, and repeated in the newspapers, that this meeting concluded its business in a minute or less.

• (1510)

Now, I can speak quickly, but there were 21 questions put to that meeting; each of them was put individually in the proper and prescribed order as per the minutes of the meeting the leader has before her. There were 21 questions on that list, senator. I cannot ask 21 questions in a minute and a committee cannot respond if we rehearsed for a week to. It cannot physically be done.

Senator LeBreton: It was.

Senator Banks: I want to point out, parenthetically — this is not directly related, Bill C-288 is the expressed will of the House of Commons and that is what we are dealing with here, whether we oppose the will of the House of Commons, but that is a matter for debate.

With respect to the question of privilege, it is interesting to note that this complaint about Conservative senators not being present at committee meetings comes from a Conservative side whose leader has forbidden her members, including Senator Tkachuk, from attending meetings of other committees, of another committee.

Senator LeBreton: That is not true.

Senator Banks: It is clear that the government side has no problem with the non-attendance of Conservative members at committee meetings.

In fact, there is no requirement anywhere in the *Rules of the Senate* that members of any particular political party be present as a condition of the commencement or conduct of a meeting of a committee of the Senate.

The requirement is that there should be a quorum and, as we shall see, there was a quorum at the meeting to which Senator Tkachuk refers. It was a quorum that was comprised, as he has also said, not only of Liberal senators, and there is, therefore, no question of privilege.

Paragraph 807 of *Beauchesne's* says: "Although not obligated to do so by the Standing Orders, it is," as Senator Di Nino has said, "a courtesy for the Chairman to wait until a representative of each party is present before commencing a meeting."

This is a courtesy, which all honourable senators know, I have meticulously observed, even when that results in —

Senator Comeau: He says with a straight face.

Senator Banks: — discourtesy to witnesses or others who have been waiting. Courtesy works both ways. On Tuesday it did not.

Honourable senators, everyone in this place knows, and Senator Tkachuk and I, in particular, know, because of the years we spent in the entertainment business before we came here, in negotiating contracts with people, it is not a good idea to begin or to interrupt a negotiation or a conduct of business, by the application of a sharp stick in the eye of the other person. That, in my view, is what happened on Tuesday night. Everyone in this place knows, and senators opposite know, perfectly well that if the conduct in this place on Tuesday night had proceeded apace and normally, then the conduct in the meeting would have proceeded apace and normally.

That is not what happened here on Tuesday night. They did not proceed apace and normally. What happened here was the introduction of a simple and clever procedural ploy that was designed for the explicit purpose, as has been referred to by senators opposite, of stopping the Energy Committee from convening and from doing what its notice said it would do in its properly convened meeting in the proper way on that night. It was a simple ploy and it was clever and no one on this side expected it or anticipated anything like it. It nearly worked. I commented at the time to some colleagues on how clever and simple it was.

However, sometimes clever ploys have the capacity to backfire, as it did in this case. One side in this place set a clever trap and then stepped in it.

That problem could be solved by the simple expedient of the Prime Minister appointing 12 Conservative senators. Then we would not have that problem.

One side here contrived to stop the other side from doing its job.

Senator Comeau: We are afraid of getting more Mercers.

Senator Banks: One side in this place contrived to stop that committee from doing its job and the other side contrived, in a way, to ensure that the committee would and could do its job, and that other committees could sit as well.

Senators, I regret that I must speak at some length on this question because it is important that His Honour and all senators be well informed on it. Suggestions have been made here that are wrong and things require clarification.

I will refer, as well, in addition to what Senator Tkachuk said, to statements made on Tuesday by Senator Cochrane and Senator

Angus because those statements are umbilically connected to Senator Tkachuk's point, as His Honour has pointed out.

A bit of background information is essential to understanding the question.

The prescribed time for the Tuesday meetings of the Standing Senate Committee on Energy, the Environment and Natural Resources is, I quote from the rules: "When the Senate rises but not before 5 p.m." That sometimes causes awkwardness, as you can appreciate.

As I said here two weeks ago, everyone knows what "when" means. It means "upon the occasion that." That is precisely what happened on Tuesday evening. Senator Tkachuk, Senator Cochrane and Senator Angus have referred to the proceedings and procedures over the past weeks by which the committee has conducted its business, including the meeting of the previous Thursday, and the honourable senators have suggested that some of those proceedings and procedures were untoward, unfair or even improper. It has been suggested that the conduct of some of those meetings has been "arbitrary," and that decisions of the steering committee have been deficient or have not been followed.

I must take the time, therefore, to show that these things are simply not true. At the meeting of Tuesday, February 27, which is prior to Bill C-288 having been referred to the committee, our steering committee made up of the Honourable Senator Angus, Senator Milne, Senator Spivak and me — Senator Cochrane was away on the day — met in Room 7 of the Victoria Building at 7:55 p.m. Our committee researchers and several senators' staff members were also present.

At that steering committee meeting, the business was consideration of a draft agenda. Along with other things that were agreed to in that meeting, it was agreed that the committee would set aside its other business when Bill C-288 was referred to the committee to deal promptly with that bill. That meeting adjourned at 8:30 p.m.

On February 28, I wrote to Senator Tkachuk, who is the critic for Bill C-288, advising him of that decision and of the decision of the committee to, "put aside our other work when and if that referral occurs and to deal with that bill thoroughly and forthwith."

In that letter, I informed Senator Tkachuk that, "The plan is to set aside two meetings for witnesses proposed by Senator Mitchell, the sponsor of the bill, and two meetings for those proposed by you as the critic of the bill, following which the committee would enter into its discussion with a view to reporting its recommendation to the Senate."

"It would be helpful," I continued, "if you could provide the clerk a list of your proposed witnesses as soon as possible. You can of course propose individuals, organizations or panels."

My letter continued on with other suggestions as regards witnesses and stated the hope that "this plan meets with your approval", et cetera. I explained with respect to a proposed witness list that, although we did not yet have possession of the bill, "it would be useful if, when that occurs, we can push the button to start the process as quickly as practicable."

I made a similar request of Senator Mitchell. On March 6, we received Senator Mitchell's list of proposed witnesses and began contacting them in preparation for setting dates for hearings.

On March 8, I sent a message to the clerk of the committee asking that Senator Mitchell's list be circulated to the steering committee for its approval and asking that we remind Senator Tkachuk's office that we were waiting for his proposed list so it, too, could be circulated to steering committee members.

On March 9, the clerk advised me by email she had been informed by Senator Tkachuk's office that, given the fact that the bill had not yet been referred to the committee, they will likely provide a list of suggested witnesses when that occurs.

I received a response from the clerk of the committee saying that, "As for C-288, I believe that the Senator is working on a list but I cannot say for sure whether or not it will be provided to us before the bill is referred to the committee."

• (1520)

On Tuesday, April 3, the following message was sent by the clerk to all members of the steering committee; which is to say, Senator Cochrane, Senator Angus, Senator Milne, Senator Spivak and me. It was a message from me addressed to steering committee members and it said:

Bill C-288 has now been referred to us for study. The Steering Committee has decided on a minimum of four meetings to hear witnesses before we give further consideration to the bill. Senator Mitchell is the sponsor of the bill and Senator Tkachuk is the critic.

I propose that we proceed as follows:

Meeting of Tuesday April 17, witnesses proposed by Senator Tkachuk;

Meeting of Thursday April 19, witnesses proposed by Senator Mitchell;

Meeting of Tuesday April 24, witnesses proposed by Senator Tkachuk;

Meeting of Thursday April 26, witnesses proposed by Senator Mitchell.

To continue the quote: "Please let Keli. . ." — the name of the clerk of the Committee — "know as soon as you can whether you are in agreement with this proposed plan of work, in order that invitations to witnesses can be issued."

The message is then signed by me.

In response to that message I received the following replies: On Wednesday, April 11, from Nicole Power, "Senator Cochrane is fine with this work plan."

On Thursday, April 12, from Jonathan Bishop, "Senator Milne approves of the work plan laid out by Senator Banks in the message . . ."

On Thursday, April 12, from Barbara Robson, "In case you have yet to hear from the Senator, she is in agreement."

On Thursday, April 12, from France Lepine, "I haven't heard back from Senator Angus, but I am sure he would agree with the decision of the Vice-Chair."

On the basis of these approvals by members of the steering committee, we proceeded with plans for the appearance of witnesses on Bill C-288.

On Friday, April 13, the clerk sent another message to the steering committee, seeking their approval, which said:

Senator Banks has suggested that the committee invite Mr. Pablo Rodriguez to appear on Tuesday April 17 at 5:30 p.m. or when the Senate rises for a period of one hour, as well as the Minister of the Environment following Mr. Rodriguez. If the Minister is unavailable, then Senator Banks suggests that the Committee invite him to appear on May 3.

Continuing the quote:

The remainder of the schedule for Bill C-288 would be as follows:

Thursday, April 19, Senator Tkachuk's witnesses

Tuesday, April 24, Senator Mitchell's business people

Thursday, April 26, Senator Tkachuk's witnesses

Tuesday, May 1, Senator Mitchell's NGOs

Thursday, May 3, Clause-by-clause, following the Minister's Appearance.

Please advise as soon as possible whether your Senator is in favour of the proposed plan.

On Monday, April 16, the clerk sent the following message to members of the Steering Committee:

The email below is on behalf of Senator Banks. Please note that the Steering Committee meeting will take place tomorrow in room 172E, Centre Block, at 5:30 p.m. Please let me know if your senator is able to attend. . .

Keli, the clerk of the committee, sent to all members of the steering committee a note I sent to her. My note to her said:

Keli: I am not comfortable or convinced that we have a clear indication now of how members of either the committee or the Steering Committee have authorized us to proceed.

We have not as yet, so far as I am aware, received a response from Senator Tkachuk to our request for a list of proposed witnesses.

We will therefore please cancel the committee meeting for Tuesday, April 17, and we will instead have a Steering Committee meeting at the usual meeting time, but it can of course be in a place not equipped for television. Please decide upon and find a room that you think most appropriate and advise the respective senators.

Then please tell the members of the Steering Committee that the purpose of the meeting is to consider the following proposal that I now make for consideration of Bill C-288:

Thursday, April 19, Mr. Rodriguez, the author of bill;

Tuesday, April 24, witnesses as proposed by Senator Tkachuk, the Critic of the Bill

Thursday, April 26, witnesses as proposed by Senator Mitchell, the Sponsor of the Bill

Tuesday, May 1, witnesses as proposed Senator Tkachuk, the Critic of the Bill

Thursday, May 3, witnesses as proposed by Senator Mitchell, the Sponsor of the Bill

Tuesday, May 8, The Honourable The Minister of Environment and Mr. Rodriguez;

Thursday, May 10, Clause-by-clause consideration of the Bill.

If this proposal is satisfactory to the members of the Steering Committee, then Tuesday's can be a very short meeting, and we will then be able to proceed with invitations to witnesses.

I am sorry to read this into the record, honourable senators, but it has been suggested that these procedures were not followed, that the committee has been operating arbitrarily, and I want to demonstrate irrefutably that is not so. These are the minutes of the meeting of the Steering Committee on April 17:

The subcommittee on Agenda and Procedure met this day in camera in room 172-E, Centre Block, at 5:45 p.m., the Chair, The Honourable Tommy Banks presiding.

Members of the subcommittee present: The Honourable Senators Angus, Banks, Cochrane, Milne and Spivak (5).

In attendance — from the Research Branch of the Library of Parliament: Kristen Douglas. Senators' staff: Jonathan Bishop, France Lepine, Nicole Power and Tom Smith.

It was moved by Senator Angus that Senator Milne be able to participate via telephone conference.

The question being put on the motion, it was adopted.

A discussion of issues related to Bill C-288 followed.

It was agreed that the committee meeting on April 19, would start at 8 a.m. and that Pablo Rodriguez would appear from 8 a.m. to 8:45 a.m., followed by Minister Baird from 8:45 to 10:15 a.m.

It was agreed that the committee would hold five (5) meetings on Bill C-288; two meetings with witnesses proposed by the sponsor of the bill, and two meetings with witnesses proposed by the critic of the bill, and one meeting on the constitutionality of the bill as proposed by Senator Murray.

It was agreed that the committee would hear from the following witnesses:

Thursday, April 18, 8:00 to 8:45 to a.m., Pablo Rodriguez; 8:45 to 10 a.m., The Honourable John Baird PC MP.

Tuesday, April 24, witnesses proposed by Senator Mitchell, Panel of four; Richard Evans, President and CEO of Alcan; William Andrew, CEO of Penn West Energy Trust; Gordon Lambert, Vice-President, Suncor; and Clive Mather President and CEO, Shell Canada.

Those were Senator Mitchell's witnesses.

Thursday, April 26: witnesses proposed by Senator Tkachuk, Panel of four; Pierre Alvarez, Canada Association of Petroleum Producers, Richard Paton, Canadian Chemical Producers' Association; Hans Konow, Canadian Electricity Association; Perrin Beatty, Canadian Manufacturers and Exporters Association; Dr. David Keith, Director ISEEE Energy and Environmental Systems Group, University of Calgary; Don Drummond, Senior Vice-President TD Bank; Dr. Bob Page, TransAlta/University of Calgary; Aldyen Donnelly, Greenhouse Emissions Management Corporation.

Tuesday, May 1, witnesses proposed by Senator Tkachuk. . .

We did not have a hard list at that point.

Thursday, May 3, witnesses proposed by Senator Mitchell, Panel of four: Richard Nesbitt, TSX group. . .

That operates the Toronto Stock Exchange:

Nancy Olewiler of Simon Fraser University; David Schindler of the University of Alberta; and Matthew Bramley of the Pembina Institute.

Tuesday, May 8, witnesses proposed by Senator Murray: Sharon Sutherland, University of Ottawa; Peter Aucoin, Dalhousie University; Jim Mitchell, Sussex Group; Kelly Blidook, McGill University.

It was agreed that flexibility be given to the chair and clerk in scheduling the witnesses.

At 6:30 p.m. the subcommittee adjourned to the call of the chair.

To the extent possible, and to the extent of the availability of the witnesses in that agreed-to time frame, that is what we did. It has been suggested that I have been arbitrary, and in one sense

that is true. Members of the committee indicated that we should hear more about the concept of international emissions trading, and so I arbitrarily extended the series of meetings considering Bill C-288 by an additional meeting at which experts on the matter of international emissions trading were called to testify.

It is at that meeting, it has been suggested by more than one senator opposite, that I was high-handed: that, according to Senator Angus, "Senator Tkachuk was summarily and abruptly denied the right to question witnesses," and that, "A decision was arbitrarily made to conduct clause-by-clause on May 15."

Honourable senators, I refer you to the notice of that meeting, which stated clearly that the witnesses would be heard from 8:30 a.m. to 10 a.m. and that the committee would then go in camera to discuss and determine upon future business. That was the agenda stated in the notice given for the meeting of that day.

It is important to understand that the Thursday morning meetings of this committee, which occur no earlier than eight o'clock, must perforce conclude at 10:30 a.m. because the scheduling of committees by the Senate provides that another committee convenes in that same room at 10:45, and 15 minutes are needed to reconfigure the room and allow for necessary changes in clerks, interpreters, stenographers and the like. We do not get to decide when our meeting ends. It is prescribed when our meeting ends. We cannot continue the meeting beyond that point. That is not an option that is open to us. When we bump up against that time, the meeting over, period.

• (1530)

I must read to you from the transcript of that meeting, at which the witness was Mr. Andrei Marcu, the executive director of the International Emissions Trading Association. Following Mr. Marcu's testimony and opening questions first by Senator Cochrane and then by Senator Mitchell, I said:

Honourable senators, this part of this meeting must end at ten o'clock so that we can proceed with business of the committee, which is not an afterthought but is to plan between now and when Parliament will rise for the summer. Thus, I would ask senators to keep their questions as concise as possible.

There then followed questions by Senator Milne, Senator Spivak, Senator Angus and Senator Adams. At that point in the meeting, I said,

We are constrained by time. Senator Tkachuk is the critic of the bill and I must allow him time for a question. I have many other senators on the list, but we have to stop at 10 o'clock and go to other business.

Senator Tkachuk: Do we have other witnesses?

The Chairman: No.

Senator Tkachuk: Why not just continue on?

The Chairman: We have to deal before 10:30 with future business of the committee, which we have to do today.

Senator Tkachuk: Why do we have to deal with future business today?

The Chairman: We have to deal with the question of what the committee will address in the remaining meetings between now and the time we can reasonably expect to rise. We have a full plate of business with which we must deal and the committee must determine what that will be before we can proceed.

Senator Angus: From 10:00 on, after Senator Tkachuk's question, it is business other than Bill C-288.

The Chairman: It includes all the bills that are before us, including Bill C-288. It is scheduling of the business of the committee, as the notice says.

Senator Tkachuk, you are the critic, so please ask a question of the witnesses and then we will have to conclude and go in camera.

Senator Tkachuk: I have the right to ask more than one question.

The Chairman: There are other senators who have questions, and I have not yet asked a question. We are restrained by time. According to the notice, we must deal with future business.

Senator Tkachuk then asked four questions.

Following him posing his fourth question, I said:

Unfortunately, this has to be the last question.

Senator Tkachuk: Mr. Chairman, this particular witness has been interesting. The buying and selling of emission credits is a big part of this bill. Why would we not want to learn about this?

The Chairman: I think we are interested in learning about this, but this must be the last question. The witness is asked to answer the question, and the meeting will then go in camera.

Senator Carney: I am asking for the compliance of my colleagues. As former Federal Minister of Energy, I have an issue to raise that has not, as I understand it, been raised.

The Chairman: I will explain again, members, that in this room, the meeting of the Social Affairs Committee begins at 10:45. It is now 10:10. We have less than 20 minutes now. We only have 15 minutes, because we have to clear the room in order to deal with the procedural matters with which this committee has to deal between now and the time the Senate begins. That is what the notice said, and that is what we will do.

There is more, Your Honour and honourable senators, but you get the gist.

The meeting then went in camera, as the notice said it was intending to do. The committee determined that clause-by-clause consideration of Bill C-288 would be given on Tuesday, May 15 at a meeting beginning when the Senate rises but not before 5 p.m. in Room 257 of the East Block. That brings us directly to Tuesday's meeting.

On that occasion, honourable senators, no infraction of any rule occurred. No infraction of any rule of the Senate occurred. There was, contrary to reports in the newspapers, no meeting convened or started while the Senate was sitting, nor were any senators here unaware of that meeting. Senator Angus, Senator Tkachuk and Senator Cochrane in fact were in the meeting room immediately adjacent to it earlier, eating some of the superb cuisine that our committee provides to its members on Tuesday nights.

Nor were senators other than Conservative senators in starting blocks outside this building. We were all there. We were all standing there in the lobby and in the foyer of the Senate. Senator LeBreton can tell you that because she walked back and forth between us two or three times. Senator Di Nino can tell you that. We were here. We were in the Centre Block. They all saw us standing there, while the Senate continued its business and while the bells rang.

Senator Tkachuk and I, before we came to this place, as I said, both had considerable experience in negotiation. We know that the way things are going here is not the way things ought to go; but we did not start it. The application of Machiavellian devices by one side is apt to trigger the devising of Machiavellian ploys by the other. Perhaps the lesson to be learned is, as history has shown irrefutably, that is not a good way to run a business and it is not a good way to run a country. It is a very slippery spiral, and no rational person wishes to embark upon it.

The Hon. the Speaker: Honourable senators, I have determined that I have heard enough. I have been referred to a number of the procedural authors. I have been referred to a precedent. Therefore, I will take the matter under advisement. I will attempt to provide my determination on whether or not a *prima facie* case of privilege exists on the day that we return.

Hon. Anne C. Cools: Your Honour, would it then be acceptable for some of us to raise what we wanted to say under the rubric of a point of order? You have decided that you have heard enough, and I believe there are still many senators who would like to speak. I am just wondering, what are senators supposed to do who wanted to make important points in the debate?

Your Honour, I am pleading with you. The rule you have invoked to say that you have heard enough is a rule that was put there ostensibly to prevent questions of privilege from lasting for days and days. There are many of us who wanted to make important points especially to assist Your Honour in making this difficult decision. What is different today about this particular question of privilege, Your Honour, is that an individual senator has been named and identified, and that means a more thorough debate should be allowed.

I am wondering if Your Honour could allow the debate to go on for the next few speakers who wish to speak.

The Hon. the Speaker: Honourable senators, it is my approach that I am the servant of the house. The rules provide that on these matters the Speaker listens attentively and carefully. I am very comfortable with the excellent interventions that I have heard to be sufficiently able to deal with the question with which it is my duty to deal. Therefore, I simply advised the house. I thank the honourable senators who have spoken.

However, in the spirit of understanding, I am happy to hear other senators, if they wish to rise. Will Senator Cools rise?

Senator Cools: Your Honour, thank you for this. I appreciate this opportunity, because your role is to ensure that the use of time is not violated. Thus far, I have seen no violation.

Honourable senators, I wanted to make a few brief points. This is important because this is a particularly unique debate as one senator has been named. The complaint that Senator Tkachuk has placed before us is not about the committee, *per se*; the complaint is about an individual senator.

• (1540)

I would like to begin at the beginning and say that I observed that, in his remarks, Senator Tkachuk cited the high court of Parliament. I would like to tell Your Honour that whenever any senator here invokes the high court of Parliament, inviting the high court of Parliament to dip into and even exercise its mighty course of penal powers, it is a very serious matter.

In terms of the invocation of the high court of Parliament, that court is presided over by Your Honour on this occasion. The position has its historical roots in the position of the Lord Chancellor of England — it was the Lord Chancellor at the time. The high court of Parliament has all the characteristics of the highest court of the land, particularly the Lord Chancellor's principles from the courts of equity that appeals of this nature — those plaintiffs, individuals and petitioners who bring such complaints — should come with clean hands. This is a major principle in equity.

Senator Tkachuk and the government do not come to this debate with clean hands. Yesterday I defended him and said that he was not out of order, which I believed then. Yesterday he gave a lengthy notice that mentioned many things except the impugning of Senator Banks.

I submit to Your Honour that there is no *prima facie* question of privilege here. What is here is a reasonably felt complaint. I understand the complaint, but what we have before us is a consequence of a misfired strategy, which is an entirely different matter.

There is no moral ground here. Senator Tkachuk and the government cannot stand on any moral or high ground here.

Senator Tkachuk: Who are you to say?

Senator Cools: I am going with the Senate record, which I have right here in front of me, and which I was reading as Senator Banks was providing the details. I am looking at the Senate debates of Tuesday, May 15, when the government was doing an unusual thing, which was trying to hold the chamber in debate to

prevent the committee in question from sitting. The government did not have the capacity to produce a quorum to conduct its own strategy.

While we are at it, let me point out that the government has been relying on the opposition for over a year now to produce a quorum. What I mean when I say no clean hands is the government's failed strategy.

I am no stranger to party warfare. The fact is, the government's strategy failed. We have here a failed strategy, a misfired plan. That is the issue.

If Senator Tkachuk had named the committee, it would be a different matter from his naming of an individual senator and tying his whole complaint to the behaviour of one individual. I would like to say to Senator Tkachuk that it is one thing to raise a question of privilege; it is another thing to smear a senator. It is a totally different thing.

In any event, Your Honour, when a senator is impugned, that senator is entitled to notice. That is a basic common law principle. We will come to the whole question of notices at another time. I was here on Tuesday evening. The government's failed strategy is one wherein perhaps honourable senators on the government side should look into their own souls and hearts as to what is happening in the Senate.

To raise one last point on the question of courtesies and conventions — they are not conventions in any event — and the business of opposition members at committee, this government has spoken loudly and clearly and has informed us all that they are prepared to dispense with what I used to think was the necessity for government members to attend every committee. I will not list the committees. The government has dispensed with the practice of both political parties being present. I submit that in those kinds of behaviours and statements, the government has forfeited its right to complain about certain courtesies. Courtesies are precisely that: they are courtesies. Courtesies can only survive when all sides are courteous. When courteousness is abandoned, the abandoning party does not believe that the others are bound to courtesy. I have been appalled and shocked, I must say, at this government's treatment of committees, not to mention its committee members.

Honourable senators, I just wanted to provide His Honour with some assistance in this matter. His Honour has become Speaker at a strange time in the history of this institution. He brings a wide variety of gifts to the job. Perhaps instead of raising questions of privilege, there are times in life when some people need to offer a private apology or a public apology. Senator Carstairs made a brilliant point yesterday. Often, in the course of proceedings, mistakes are made or things happen. Apologies go a long way.

It seems to me, honourable senators, and Your Honour, that there was no breach of privilege here. There has definitely been a breach of some egos, but there has been no breach of privilege.

There are moments and times when perhaps we should not look to the law for solutions. Perhaps we should look into our hearts and souls.

I would like to end with a quotation that I found in a book called *Weeds Among the Wheat*, written by a Jesuit priest, Thomas H. Green. It is a book dealing with discernment. Thomas Green,

who I believe is still alive, works with individuals doing retreats and attempting to discover different aspects of themselves. In this book, Thomas Green quotes a man from France, Jacques Guillet, who wrote a book called *Discernment of Spirits*.

• (1550)

Man is plunged into a threefold darkness. God commands without being seen: Satan conceals himself, suggests more than he affirms, proposes more than he demands. . . . Finally, there is the darkness in man himself, who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them.

Honourable senators, it is often difficult for human beings to see into their own hearts, even sometimes to discern their own motivation. However, what happened here in the last few days was that the government side conceptualized a plan or strategy to prevent a committee meeting from happening. Their plan misfired and ran around because they were not in control of the situation. The first lesson in any battle is to ensure your soldiers are at your side and with you. The first lesson is to ensure the troops are right there.

The Conservative government did not have their troops and their plan fell apart around them. There are now a few damaged egos.

Senator Banks is an honourable member. I thank him. I hold him in high esteem. To my knowledge, most senators here hold him in high esteem. Maybe he had prior notice that he would be singled out; I certainly did not. Based on the law of Parliament, on reality, and on my knowledge of this place, there is no question of privilege here. There are only damaged egos over a failed strategy.

Furthermore, I would like to say that most senators here have obliged to keep the government going by providing quorum. I do not know how many of them were ever thanked. Truth be known, I did not come into the chamber that night for quorum. I will tell honourable senators why. Earlier that day I saw Senator Jaffer refused five minutes' time to speak. Honourable senators, I figured I was not needed.

Hon. Joan Fraser: This has been a most interesting and wide-ranging debate. I want to come back, if I may, to the core issue. The core issue is whether the meeting of the Energy Committee was properly constituted. If it was, then, by definition, Senator Tkachuk's privileges were not breached.

It is clear that the meeting was properly constituted. It was held at the appointed time, when the Senate rises. The *Rules of the Senate* do not say that committees can only meet 10 or 15 minutes after the Senate rises. They meet when the Senate rises. That was when the committee was called and that was when it met.

The rules do not say that members from both sides must be present in order for a committee to conduct its business. No rule of the Senate says that. To the best of my knowledge, no rule of the Senate has ever said that, for the very good reason that then it would be possible for one side to paralyze the functioning of committees.

The rules do say that a quorum must be present. A quorum was present, and it consisted not only of Liberal members.

Marleau and Montpetit say, on page 844:

As a courtesy, most committees do not begin their meetings until at least one member of the opposition is in attendance, even if a quorum is present. However, committees may meet and adopt motions in the absence of one or all opposition parties.

What is true for the opposition would also be true for the government. There is substantial precedent not only in the Senate, but also in the House of Commons, for precisely that to happen.

On June 4 and 5, 1991, the Rules Committee met, with no Liberal members present, to deliberate on amendments to the *Rules of the Senate* and adopted the report on June 5, leading to new *Rules of the Senate*.

In that same year, the Foreign Affairs Committee considered Bill C-6, and I believe conducted clause-by-clause consideration of the bill, with no Liberal members present. I do not know whether the Liberal members had chosen to stay away. They had the right to do that. They did not have the right to paralyze the workings of the Senate.

I believe it was October 2003, that the Rules Committee met, heard witnesses and conducted clause-by-clause consideration of Bill C-34. At that time, Conservative members were not present. This is not even to mention the truly famous occasion when a standing vote was conducted in this chamber, when the Liberal members were outside the locked door and were not able to participate in that vote. I believe that was during the GST debate in the 1990s.

It is true that, as a matter of courtesy, senators usually wait to ensure that both sides are present, but courtesy was not much in evidence here yesterday. That is not, however, the issue. As Speaker Hays ruled on November 3, 2003:

As Speaker, however, I do not have the authority to impose cooperation. This is something that can only be achieved by senators themselves.

The rules were observed. Therefore, it is clear that Senator Tkachuk's privileges were not breached. Indeed, the government side retains all of its power to continue vigorous debate, including the production of amendments, at third reading in this chamber. Therefore, in my view, there is no question of privilege.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I will try to make my remarks brief as well.

As senators, we are here to play a number of roles. We represent our regions, examine bills and conduct studies. As a chamber, we have powers that are equal to the House of Commons, the notable exceptions being the inability to initiate spending bills or to impose taxes.

I will not be sidetracked by such arguments as to whether or not games were being played or if we had a failed strategy. These are irrelevant arguments in this debate.

We must be mindful of the core arguments that should be looked at by the Speaker. We are here to carry out our responsibilities. We must be allowed to attend to the duties of this chamber. A number of people have said this afternoon that it is the role of the government to ensure quorum. In no way is it the responsibility of the government to ensure quorum. It is the responsibility of each one of us. We are a parliamentary chamber; that is our job. It upsets me to continue to hear that it is the government's responsibility to ensure quorum; it is not. We are a parliamentary chamber. However, that is a side issue as well. I do not wish to be sidetracked.

Senator Tkachuk's key issue is that by not allowing sufficient time for him to return to the committee from a vote in the chamber, the chairman, by convening the committee, obstructed his ability to discharge his duties before the Standing Senate Committee on Energy, the Environment, and Natural Resources, a committee of which he is a member under the rules of this place.

• (1600)

By convening the committee almost simultaneously with His Honour the Speaker rising on adjournment in the Senate, before our members or a number of members could make it to the committee room, the chairman of the committee denied the Conservative members of the committee an opportunity to express their views during clause-by-clause consideration, denied them the opportunity to move amendments and denied them the opportunity to vote on individual clauses of Bill C-288.

In my 17 years on the Hill — and some have not always been fun years but some have been very interesting years — I have never witnessed such an affront to the privileges of senators. We have a duty to devote our attention to the deliberations of this chamber when we meet here. That is our primary duty. That is why, when committees want to meet during Senate chamber times, they must seek the permission of this chamber.

Honourable senators, this is a serious business. The arguments being made both by Senator Fraser and Senator Tardif are that we must choose between either voting in this chamber or waiting at a committee room somewhere for the chairman to bang the gavel so that they can attend to committee business. That is what is being proposed. That is what they said: There are no rules that state that the committee chairman cannot convene the meeting the second His Honour walks out of this chamber.

Senator Banks: I could not; I was not in the room. How could I do that? I was here.

An Hon. Senator: You were not here.

Senator Comeau: If I am not mistaken in the timeline, I think His Honour the Speaker has the ability to obtain this information. There are records, and so on, of the time that the meeting started and the time that the meeting finished.

There are many relevant citations that His Honour might wish to refer to in *Marleau and Montpetit* and in *Erskine May*. In particular, the definitive work on procedures of the United

Kingdom, *Erskine May Parliamentary Practice*, has this to say at page 121 of the 22nd Edition:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings.

It was physically impossible for members of the committee to have attended both the proceedings in the Senate chamber and to have been present at the commencement of the committee, given the time at which Senator Banks called the meeting to order and the very rapid manner in which he dealt with the various clauses of Bill C-288.

Honourable senators, we have heard Senator Murray, time and again in this chamber, state that "If you are calling a vote, remember that my office is in the Victoria Building." By the time he leaves there and is able to make it here to this chamber, he does not like even a 15-minute bell; he wants a half-hour bell. The two whips in this chamber have been accommodating our members because of this. Some of the distances they have to travel are quite large. Some of us are in the Centre Block and we can make it to the chamber quite quickly, but some members are farther away. Trust me: The East Block is a little distance. By the time you leave from the East Block and arrive here, His Honour has left the chamber. There is some distance to cover.

There is a long-standing rule that committees not meet while the Senate is sitting, except when permission is granted, as I noted earlier. This is to allow senators to attend to their duties in this chamber before proceeding on to a committee. We have never had this problem before — this is the very first time that I have ever heard of it — as the long-standing convention is that we allow senators sufficient time to travel to their committee meetings. We provide a bus service to the Victoria Building to facilitate this and there is a tunnel to the East Block. The reality, however, is that even if you go directly to your meeting the second His Honour adjourns the Senate — and to do so you would have to run out in front of him — you will need a few minutes to make it to the meeting.

This meeting was allowed to start before senators could travel from this chamber. The opposition senators were at the committee room ready to ram this bill through the second they got the signal — by however means they received that signal — that the Senate had risen. If I, as a senator, find that I cannot attend both to vote in the chamber and to deal with legislation in committee, then I am prevented from discharging my duties as a senator.

I sit on the Standing Joint Committee on Official Languages. If it were to be the case that that committee were to start its meeting as soon as His Honour walked out of this chamber, I would be slighted. I would say, "How can I arrive five, six or seven minutes late at a meeting and still be a participant in it?" I think it makes abundant sense that the convention is that we allow senators to reach their meetings.

For all these reasons, I support the question of privilege as stated by Senator Tkachuk. I believe that there has been a breach of the privileges of all honourable senators. I would ask His Honour to rule that this is a *prima facie* case of breach of privilege.

Hon. Sharon Carstairs: Honourable senators, I was not intending to speak, but I must respond to what the Deputy Leader of the Government has had to say. I think it is unfortunate. I have been in many committees at four o'clock on a Wednesday afternoon, or at five or 5:30, when it is hoped that this place will rise, when the bell goes and the gavel drops. That has become a frequent custom here. There is nothing in the rules that prevents it. Maybe the rules should be changed. Maybe we should have a 10-minute rule which states that a meeting cannot begin until 10 minutes after the Senate has risen, but we do not have such a rule. As a result, you cannot have a *prima facie* case of a breach of privilege because what occurred was a quick beginning of a meeting, when there are quick beginnings of meetings every single week around this place.

As to the issue of a choice between either one or the other, clearly we all have choices and we make those choices every single day. Look around us. Are there 105 senators, minus the 12 vacancies, present in this place right at this moment? People have made choices.

The Hon. the Speaker: Again, honourable senators, I thank you for your assistance. I will take it under advisement and report back.

THE SENATE

MOTION TO APOLOGIZE TO SURVIVORS OF INDIAN RESIDENTIAL SCHOOLS ADOPTED

Hon. Charlie Watt, pursuant to notice of May 8, 2007, moved:

That the Senate take note and concur with the resolution of the House of Commons apologizing to the survivors of Indian Residential Schools for the trauma they have suffered as a result of policies intended to assimilate our First Nations, Inuit and Métis children, causing them harm and the loss of their aboriginal culture, heritage and language while also leaving a sad and tragic legacy of sexual, emotional and physical abuse.

He said: Honourable senators, I gave a notice of motion on May 8, 2007 that the Senate takes note and concur with the resolution from the other place. The resolution is the apology to the survivors of Indian Residential Schools for the trauma they suffered. This was as a result of the policy of the government in its intent to assimilate First Nation Inuit and Métis. The effect of those policies have caused our people harm and the loss of their Aboriginal culture, heritage and language, while also leaving a tragic and sad legacy of sexual, emotional and physical abuse.

On May 1, 2007, and after a week of discussion, the government finally decided to support the motion in the other place. As stated in the letter from the Archbishop of the Anglican Church, reported in the other place, we have learned that for many survivors an apology is at least as important as a financial compensation, if not more so. People whose lives have been shattered through no fault of their own are helped by having their suffering acknowledged and by hearing the words of an apology. The apology from the other place will greatly help the healing process and will invite us to learn from our mistakes.

Honourable senators, I invite you all to support my motion.

• (1610)

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to speak on this motion and tell you about my knowledge of the residential school system and my own experience.

The residential school system was a system in the early years of our history, where Aboriginal children were brought from their homes and parents to a school where they lived and boarded, usually for 10 months of the year, and were then able to go home. However, some remained there for many years. I have cousins who stayed away from their homes and parents for over 10 years without going home.

It was also a system where young children were taught as much as they could and also taught to work. I had an Uncle Ted who has since died, but when he talked about problems, he said he spent many years there, and out of his many years he got a grade 3 education. He used to smile and say, "I got a grade 3 education from the University of Fort Providence," which is where his residential school was situated. Essentially, it prepared young people to go from the residential school out into the world. My uncle began trapping and eventually made his way in the world, but he did generally appreciate the education that he got.

Many of the missionaries who came north and west were from Quebec, so my first language at the residential school was French, because I only knew the Dene, the native language, so it was French, and now English.

The Indian residential school system predates Confederation, and it grew, in part, out of Canada's missionary experience with various religious organizations. The federal government began to play a role in the development and administration of this system as early as 1874, mainly to meet legal obligations under the Indian Act, as well as to assist in the integration of Aboriginal people into the broader Canadian society.

The schools were located in every province and territory except Newfoundland, New Brunswick and Prince Edward Island. Of the 130 schools that existed over time, it is estimated that up to 100 of these could be involved in claims.

The Government of Canada operated nearly every school as a joint venture with various religious organizations. On April 1, 1969, the government assumed total responsibility for the school system, although churches remained involved for some years in many instances.

Some residential schools ceased to operate in the mid-1970s. The last federally run residential school in Canada closed in 1996.

In the Northwest Territories, where I come from, schools were established by the Roman Catholic and Anglican churches in the 1800s. The residential school that I first attended was Sacred Heart School in Fort Providence, which had been set up in 1858, and that is a long time ago. It eventually closed in 1968 or thereabouts, so we have had a system of residential schools in the West and the North for over 100 years.

You can imagine that there were hundreds and thousands of young Aboriginal students who had gone through the process. In the North, that was the main system of educating the people. Many of my relatives, many people that we know in the North

and many who have died over the years have gone through the residential school system.

Honourable senators, the Indian residential school settlement agreement, which will come into effect this fall, is an important step for our country in dealing with the legacy of Aboriginal people who attended residential schools in our country. The agreement, initiated under the previous government and completed under the current government, will make a real difference in the lives of survivors across the country. I have expressed my appreciation and am truly thankful to the federal government and the churches that they are dealing with this whole issue.

The agreement contains many important elements. There is a cash payment to every former student in recognition of the personal and cultural damage done. Former students who suffered sexual and physical abuse will receive additional compensation, as well as counselling and medical care. There are funds for the Aboriginal Healing Foundation, which has been going on for a number of years and which has been very good. In our area, we have used monies from there to heal, and I can say that I feel a lot better and healthier today than a number of years ago because I have dealt with the trauma of having been sent away to residential school when I was so young.

There will be a Truth and Reconciliation Commission, which will begin in the not too distant future and will be an opportunity for Aboriginal people across the country and non-native Canadians to hear about the stories and hear some of the things that occurred in these schools.

One thing that is missing from all of this scenario so far is a simple apology from the government. There have been expressions of regret and sorrow, but that is not the same. Two weeks ago, the House of Commons passed a motion apologizing for the trauma suffered by former students, and we in the Senate should do likewise. This is what this motion is attempting to do, namely, to have senators understand, and if in their wisdom they think that they ought to apologize to the Aboriginal peoples of our country, it would be a positive thing.

In the end, I feel that the federal government, as the government of the people, ought also to apologize, and this is what we are working towards and we hope that it will eventually occur. There have been vague, general attempts at apology. The Statement of Reconciliation in 1995, speaking on a whole range of historical injustices said the following:

The Government of Canada today formally expresses to all Aboriginal people in Canada our profound regret for past actions of the federal government which have contributed to these difficult pages in the history of our relationship together.

For students who experienced physical and sexual abuse, it went on to state:

To those of you who suffered this tragedy at residential schools, we are deeply sorry.

When the settlement agreement was reached, there were again expressions of regret or sorrow for survivors' suffering made by the ministers and government. While these statements seem like an apology, they lack the essential qualities of acknowledged

responsibility and sincere promises to make amends and do better. Compare this to the statement of the Prime Minister regarding the Chinese head tax:

... on behalf of all Canadians and the Government of Canada, we offer a full apology to Chinese Canadians for the head tax and express our deepest sorrow for the subsequent exclusion of Chinese immigrants.

The statement continues further on:

This was a grave injustice, and one we are morally obligated to acknowledge.

Prime Minister Harper made this apology even though, according to one of the news reports, Justice Canada lawyers had advised him not to do it because they feared it would lead to increased liability and demands from other groups for compensation for past historical wrongs. A similar, full apology was made some years ago by Prime Minister Mulroney to Japanese Canadians. More recently, Maher Arar received a formal apology as part of his settlement with the government.

That is what we want. As Aboriginal people, we want an apology from the government. I heard people say, "Yes, it will be nice because some day, if I get an apology, I can show my children, and my grandchildren can see it, so they can understand why I am the way I am."

All of these apologies that I referred to were fully deserved, and I do not begrudge those who received them. As a senator, I, too, feel obliged to apologize to those who suffered because of the actions or failures to act of previous governments.

• (1620)

Many Aboriginal leaders have called on the Prime Minister to issue a formal apology. Nishnawbe Aski Nation Grand Chief Alvin Fiddler said:

A formal apology from the Prime Minister will mean a great deal in terms of reconciliation and contribute to the healing of those who were directly affected or impacted by the residential school system.

The Assembly of First Nations had sought a national apology as part of the settlement when negotiations began and were disappointed when neither the current Conservative government nor the previous Liberal government would consider doing so.

Editorial writers from various papers across the country have also called for an apology. *The Globe and Mail*, on March 28 said:

On behalf of all Canadians, minister, say we're sorry.

It is just that simple, just say you are sorry and that would go a long way to appease and satisfy the Aboriginal people.

The *Toronto Star* said:

The Harper government should apologize for this stain on Canada's history which, in the pain and suffering it created,

is every bit as shameful as the treatment of the Chinese migrants and Maher Arar.

The *Daily News*, of Truro, Nova Scotia, from those in the eastern area, said:

The request is for a sincere apology. Under the circumstances, that's not asking a lot.

Why have some groups received apologies but not Aboriginal residential school survivors? The staff writer at *Windspeaker*, which is Canada's Aboriginal newspaper, claimed to know why. A writer said:

Because the government knows full well the true extent of the damage caused and what it would cost. An apology would acknowledge that damage and legally expose the government to the full liability for the harm done.

From *Windspeaker's* perspective, the residential school experience lies at the heart of the "human misery that persists in too many remote communities." The yearly "abduction" of children was "a soul-destroying moment for the community . . . when things started to come apart."

Is there merit in this claim? Does the government take the advice of the justice lawyers with respect to residential schools that they rejected regarding the Chinese head tax? Was it to avoid possible liability? I certainly ask this question. There is some reason to think this might be. Clause H of the "whereas section" of the residential school agreement says:

This Agreement is not to be construed as an admission of liability by any of the defendants named in the Class Actions or the "Cloud" Class Action.

Imagine the government having an agreement in which one of the clauses says: "Even though they are making the payments, there is a clause that says this does not admit to an admission of liability."

Minister Prentice denies that legal liability is the reason for not making the apology. As a lawyer, I know we are taught to be cautious, taught to advise our clients to be careful with words, to admit nothing that might cause trouble in the future. First and foremost, we are taught to do what is right. Apologizing wholeheartedly, sincerely and without reservation is undoubtedly the right thing to do. In my life experience, whether it is to your spouse, your children or your friends, it is never bad, never wrong to apologize and forgive. This is what I think makes the world move forward. Our world and our country need to know the healing and the positive nature of apologizing.

As I said, we need to do what is right and hopefully, eventually the government will apologize. It seems overly cautious and even mean-spirited to not go the final step. The settlement acknowledges that harm was done. It provides for those who suffered particular and serious harm additional avenues for redress. It even recognizes that some survivors might not feel it is sufficient and allows them to opt out and continue through the courts.

In his excellent report from February 2006, *The Power of an Apology: Removing the Legal Barriers*, the ombudsman for British Columbia, Howard Kushner, examined the matter of public

apologies and the issue of liability. He wrote about the ability of a sincere apology to satisfy a person who has a complaint, and cites research that shows that apologies do not increase liability but actually seem to reduce it or at least reduce the likelihood of litigation, perhaps as much as 30 per cent.

An apology is not simply a matter of saying "I'm sorry," but requires an acknowledgement that actions have caused harm, an acceptance of responsibility for that harm and the promise to do something about it. Through the settlement agreement, the government has already promised to do something about the harm that was caused. They are making payments, and that is very good, and we are generally very grateful for that.

The Hon. the Speaker: Honourable senators, I regret to advise that Honourable Senator Sibbeston's time has expired.

Senator Sibbeston: May I have a few more minutes?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Sibbeston: As I say, an apology is important because to make an apology is also to ask for forgiveness and to forgive is always the first step towards true personal healing. I know this to be true.

The Indian Residential School Settlement is an important first step, both in the healing that Aboriginal people in their communities need to do and in the reconciliation process with Canada, but much work still needs to be done. The Aboriginal Healing Foundation must continue its important work. The truth and reconciliation commission, when it is set up, will be very good for all Canadians to be involved with.

We should not wait until their work is done before offering a late and half-hearted apology. We should take the lead, make a full, sincere apology and we will make the work of the foundation and commission more meaningful and the results more complete.

I want to tell honourable senators about a book that I read a number of years ago by Viktor Frankl called *Man's Search for Meaning*. He wrote that book in 1946 after he had been in a concentration camp. He survived and he wrote about his experience of what he went through and what really helped him in his life there and how he survived. He was a doctor and a psychiatrist who was particularly interested in how people react to extreme, harsh survival situations such as existed in the concentration and extermination camps.

Viktor Frankl related his experiences of being taken on a train to an unknown destination, with 1,500 persons in total and 80 people crammed in each boxcar. They arrived at the camp hungry, having had no food for four days, herded into a shed, men in one area and women in another, with their entire personal luggage left on the train, never to be seen again. Clothes, watches and what little jewellery or worthy things they had were all taken away.

At this point, most of the people were herded into the gas chambers, but Mr. Frankl lived. He was herded into another area because he was more fit and able to work. Mr. Frankl was lucky to survive. There was a further stripping of anything else hidden

in clothing or shoes, and everyone was stripped naked except for shoes and belts. Then they were sent to another room where they were shaved. He says not a hair was left on their entire bodies. Finally, they went into a shower room.

That was the start of a very cruel, excruciating, painful life at Auschwitz, working and living with meagre food, meagre clothing, meagre shelter, brutal cruelty and a demeaning of human dignity and in many cases death. As I read this book about this Jew's experience in Auschwitz, I began to recall memories. I began to relate to some of the experiences this gentleman went through, but I would never for a moment compare our experiences with the concentration camps in Auschwitz.

• (1630)

However, it is important that I remembered many of the things that he talked about because we were taken from our parents. My mother voluntarily put me on the mission boat that went up the river to the residential school, but there were other kids who were taken from the grasp of their parents. We did not know where we were going. Like the trains to Auschwitz, we did not know where the boat was going. Remember that we were all 5 to 8 years old, just little kids. There were literally hundreds of us taken on the boat to Fort Providence. When we arrived, we saw a big house. Once we got off the boat, we were herded, boys this way, girls that way. We were eventually herded into this big house where we were shaved. Every piece of hair was taken off, and all our little souls. I remember arriving there with a little bag of my personal belongings. It was all I had, and it was taken away.

I see, Your Honour, that you are concerned about the time? I am just about finished.

Senator Comeau: Your Honour, what is happening?

The Hon. the Speaker: The honourable senator's extra five minutes has expired, and it would require him to seek unanimous consent to be provided with more time.

Senator Cools: Agreed.

The Hon. the Speaker: The honourable senator would first need to make the request.

Senator Comeau: How much time is the honourable senator asking for?

Senator Sibbeston: I need two minutes.

Senator Comeau: That is fine.

Senator Sibbeston: Victor Frankl, who wrote about his experience, was a grown man relating his experience. We were young children. From our eyes, our experience was horrible.

As children, we were resilient. Children are resilient, and able to withstand all sorts of horrible experiences. This was what our experience was. I often say to people, "Imagine sending your 5 to 8-year-old child away to a residential school and not seeing him or her for 10 months. Imagine not seeing him or her for 10 years. How would you feel? How would the child feel and how would

you feel as parents?" I am telling you, this was what Aboriginal people, children and parents alike, experienced. This is what the residential school issue is all about.

I just wanted to let you know that this is what we are talking about. As a result of that, the effects have been lifelong. To this date, I suffer from depression, sadness and sometimes I have a hard time coping with life. I do not mind saying that I take anti-depressants and I must take medication just so that I can live a normal life.

When we began dealing with the residential schools issue, many of us would gather and say, "We have everything in life, we have so much in life." In my case, I have one of the best jobs in the country as a senator, but you are not happy. You do not know how to enjoy life and there is a sadness and darkness that used to exist in my life.

We eventually decided to do something about it. We began gathering and sitting in a circle, talking about our experiences. It is not rocket science but, amazingly, when you sit around a table and speak about your experiences, it is like magic in the sense that we all began feeling better. This is how we dealt with our issues.

I appreciate, again, that the clerk is standing and that time is limited. I want to thank honourable senators for listening. If in any way I have given you an understanding of what the residential schools issue is all about, I am happy to have done that.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Resuming debate?

Senator Comeau: Question!

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of a group of students from the Maurice-Lavallée School in Edmonton. They are accompanied by Annie Dansereau, Carl Girard and Deborah Mahaux.

They are guests of the Honourable Senator Claudette Tardif.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[English]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Sharon Carstairs, for Senator Fairbairn, pursuant to notice of May 10, 2007, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Friday, May 18, 2007, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Order No. 9:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled *Moving Forward on Early Learning and Child Care*, as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(Honourable Senator Mercer)

Hon. Terry M. Mercer: Honourable senators, it is a pleasure to speak today on Senator Trenholme Counsell's inquiry on the funding agreement signed with the provinces from April 29, 2005, to November 25, 2005, for early learning and child care.

In this new era of Conservative budget cuts to programs, they are leaving no stone unturned. Cutting funds for student employment, literacy programs, volunteers and productivity has permeated every home in this country. Child care is no different.

The Conservatives hide behind their slogan of choice; choice for parents and for children. However, Canada's growing-old government is asserting its will on provinces to fund their own programs with less help from the federal treasury.

The Conservatives chose to provide "direct financial assistance" to parents. They see this as choice: \$1,200 per year; \$100 per month. After taxes — yes, that money is taxed — that is almost \$60 per month. That is hardly enough to pay for a week of child care, let alone a month's worth.

Yet the Conservatives consider this choice to be a good thing for Canada's children. I say shame on them. This is not a choice; it is an imposition. Our future belongs to our children and they deserve to be treated as such, not as pawns in a silly game of Conservative choices.

On November 20 of every year, Senator Munson and I host National Child Day, where we are reminded of our responsibility to build a secure and nurturing society for children everywhere. The day commemorates the unanimous adoption by the United Nations General Assembly of the Convention on the Rights of the Child, thereby committing us to protecting and ensuring children's rights. National Child Day highlights the basic human rights that all children are entitled to, from the fundamental right to be protected from abuse, to their entitlement to grow into fully participating members of society.

Canada's growing-old government is hardly protecting our children and are not living up to their responsibilities.

Honourable senators, let us recall some history now, as my colleagues have done.

• (1640)

We will recall that the debate on this issue started when the Right Honourable Jean Chrétien proposed a national child care program in the first Liberal Red Book. It was not a great success because funding agreements proposed became a stumbling block to the negotiations between the federal government and the provinces. Unfortunately, no one could agree.

We must keep in mind as well the large debt that Mr. Chrétien was left after the Mulroney years. While trying to balance the budget and keep Canada's social programs afloat, we still tried to start a national child care program.

Ten years later, in December 2003, the Liberal government pledged that early childhood development would be a priority for the government. I have heard colleagues opposite decry the amount of time it took to start anything or even finish it. I am proud of the record, and so are Canadians.

Canada's growing old government seems to be proud of it, considering they recycle Liberal programs quicker than pop cans in the blue bin. They have not recycled the child care program yet. Stay tuned.

Honourable senators, in Budget 2005, the Liberal government followed through on the pledge for an early learning and child care program initiative for the whole country, with \$5 billion in new investments.

In February 2005, the Minister of Social Development, Ken Dryden, met with the provincial and territorial social services ministers to discuss the new policy framework for child care and early learning. This was done by recognizing the specific needs of the provinces and how their departments or programs were unique amongst themselves, since it is the provinces that have the responsibility for early learning and child care. This time we prevailed.

Agreements in principle were obtained from April 29 to November 25, 2005. It is interesting to note, honourable senators, that funding levels appear nowhere on any government website. We have looked for them and they have mysteriously disappeared.

However, this year alone, 2007-08, funding would have reached the following levels — I want you to listen to the levels for your own province. These are levels, according to my briefing notes, when these agreements were made: New Brunswick, \$34.4 million;

Prince Edward Island, \$6.4 million; my home province of Nova Scotia, \$43 million — boy, we could use that money now; Newfoundland and Labrador, \$23.5 million; Quebec, a staggering \$269.7 million; Ontario, \$585.5 million; Manitoba, \$54.8 million; Saskatchewan, \$45.6 million; Alberta a whopping \$152.4 million; and British Columbia, \$197.9 million. That is almost \$1.5 billion in total.

Honourable senators, these agreements were milestones in the history of social program development for Canada. Now they are gone. For a few dollars a month, Canada's growing old government envisages a first-class child care system. I remind honourable senators they cannot fill up their gas tanks in their cars for \$60 a month, let alone ensure that our country's children are properly cared for and are encouraged to become our next great leaders.

Honourable senators, Conservative times are indeed hard times. Canada's growing old government is saying "no" to children, "no" to students, "no" to literacy. With child care, Canadians were left with a promise of 125,000 child care spaces. How many have been created since the Conservatives took power? There have been little or none. I have not been able to find any.

For a country where 84 per cent of parents work either in or outside the home to provide their families with the tools they need to succeed in the future, this situation is unacceptable.

According to research, the rising participation of women in the work force has heightened demands for affordable, quality child care programs. In 2002, 65 per cent of women in Canada with children under the age of six were employed. At the same time, developments in neurobiology and social sciences have highlighted the importance of the early childhood period in setting the stage for long-term emotional, behavioural and intellectual well being. Canada's growing old government has turned its back on children and parents who so desperately need help.

Canada continues to lag behind many of its counterparts in the Organisation for Economic Co-operation and Development, OECD, with regard to early childhood development programs, both in terms of the proportion of GDP spent on public funding of early childhood and care, and in terms of enrolment of children in preschool education.

Yet the Conservatives have wasted all our good work, all good Liberal government work. They have turned back the clock on child care in this country.

Honourable senators, the commitment of the Liberal Party of Canada to child care and early childhood development began in 1993. I, no doubt, will hear my colleagues across the floor say we did nothing during our tenure in government. What is the Liberal record on child care?

According to research over the past decade, the federal Liberal government adopted a more proactive approach to collaborating with the provinces and territories to improve services for young children. Our initiatives led to the creation of a National Children's Agenda, a framework envisioned for working together to improve the well-being of children.

This framework led to the development of a series of measures for young children, including the Canada Child Tax Benefit in 1998, the Early Childhood Development Initiative in 2000, and the Multilateral Framework on Early Learning and Child Care in 2003.

In fact, the establishment of the Canada Child Tax Benefit was the most significant national social program created since Medicare. With other important elements, such as the Head Start program, we planned to pump in an additional \$5 billion over five years to help build an early learning and child care initiative. That is the Liberal record.

However, honourable senators, the Conservatives then were elected and they broke their promises to children. During the election campaign, Stephen Harper promised to keep programs such as child care alive, and then swiftly cancelled all our agreements. This cancellation means the federal government cannot move forward with the provinces toward a shared vision that provides flexibility to address the needs of children and families across this diverse country, because they decided to offer a choice. They are now hiding behind their own choice.

According to an article I read last month in the *Toronto Star*, Ontario is set to receive \$100 million of federal money for daycares this year; enough for 10,000 new spaces. Child care advocates say it falls too short of the real need.

According to Monica Lysack, the Executive Director of the Child Care Advocacy Society of Canada, "for a government that identified childcare as one of their priorities, this is an admission of failure."

She said this after Finance Minister Flaherty released his budget.

She continued:

They have conceded that the former government had the right plan and they're following in their footsteps with the huge exception of having 80 per cent less of the funds that were available.

They beat the program and received the money.

The Conservatives cancelled our program after only two years and replaced it with a monthly cheque of \$100 for parents under six, with another plan to give businesses and non-profit organizations the funding to build daycare spaces.

However, in this budget, Minister Flaherty decided to give the money allocated for businesses to create spaces directly to the provinces. Why did he do that? He did that because, after more than a year in government, they had to admit their plan was a failure.

I read another interesting story in *The Chronicle Herald* of Halifax that said that more than \$2 billion of federal child care funding has flowed into a "virtual accountability void" in the last three years.

Officials in Canada's growing old government have few clues as to how well the cash was spent by most of the provinces since 2004.

Honourable senators, the Conservative actions are a true reflection of their fend-for-yourself approach to social policy. By cancelling the Liberal child care agreements and sending parents a small allowance in the mail, the Conservative government is leaving families to deal with the child care crisis on their own.

Honourable senators, I think it is clear that I and millions of Canadians are left wondering when Canada's government will grow up. With a child care plan like theirs, it does not look like it will be any time soon.

I want to relate a quick story to you, honourable senators. The Standing Senate Committee on Agriculture and Forestry was conducting their study on rural poverty. We were in Charlottetown, Prince Edward Island. I asked a question of one of the witnesses: Has this \$100 per child had an effect in your community? The answer I received was, yes, it has had an affect. It has had the effect of increasing daycare costs in Charlottetown by \$100 a month, because people put the price up by \$100 a month. I have told you it is clawed back, so they really receive only \$60. The net increase is \$40 per family.

What a shame, honourable senators. I encourage you to support this study. Thank you.

On motion of Senator Fairbairn, debate adjourned.

[Translation]

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 29, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 29, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, May 17, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|-------------------------------------|---------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | 07/03/29 | 7/07 |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | 07/03/29 | 5/07 |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) | (report on subject-matter 06/10/26) | | | | |
| | | | | (bill 07/02/20 Legal and Constitutional Affairs) | | | | | |
| S-5 | An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 06/10/03 | 06/10/31 | Banking, Trade and Commerce | 06/11/09 | 0 | 06/11/23 | 06/12/12 | 8/06 |
| S-6 | An Act to amend the First Nations Land Management Act | 07/04/25 | 07/05/15 | Aboriginal Peoples | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|--|--|-----------|-------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations + 3 at 3 rd amend. to report 06/11/09 Total 158 | Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 | 06/12/12 | 9/06 |
| C-3 | An Act respecting international bridges and tunnels and making a consequential amendment to another Act | 06/06/22 | 06/10/24 | Transport and Communications | 06/12/12 | 3 observations | Referred to committee 06/11/23 Report adopted 06/12/07 Message from Commons- agree with Senate amendments 06/12/11 | 07/02/01* | 1/07 |
| C-4 | An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | | 06/12/12 | 5/06 |
| C-8 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>) | 06/05/04 | 06/05/09 | — | — | — | | 06/05/11 | 2/06 |
| C-9 | An Act to amend the Criminal Code (conditional sentence of imprisonment) | 06/11/06 | 07/02/27 | Legal and Constitutional Affairs | 07/05/03 | 0 observations | | 07/05/16 | |
| C-11 | An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts | 07/03/01 | 07/03/28 | Transport and Communications | 07/05/17 | 2 observations | | | |
| C-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | 07/03/28 | Special Committee on the Anti-terrorism Act | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|---|----------|--------------------------------|--|-----------|-------|
| C-13 | An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/06/06 | 06/06/13 | National Finance | 06/06/20 | 0 | 06/06/22 | 06/06/22* | 4/06 |
| C-15 | An Act to amend the Agricultural Marketing Programs Act | 06/06/06 | 06/06/13 | Agriculture and Forestry | 06/06/15 | 0 | 06/06/20 | 06/06/22* | 3/06 |
| C-16 | An Act to amend the Canada Elections Act | 06/11/06 | 06/11/23 | Legal and Constitutional Affairs | 07/02/15 | 0 + 1 at 3 rd | 07/03/28 Message from Commons disagreeing with Senate amendment 07/04/27 | 07/05/03* | 10/07 |
| | | | | | | | Senate does not insist on its amendment 07/05/01 | | |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-18 | An Act to amend certain Acts in relation to DNA identification | 07/03/29 | 07/05/09 | Legal and Constitutional Affairs | | | | | |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| C-22 | An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act | 07/05/08 | | | | | | | |
| C-24 | An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence | 06/12/06 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| C-25 | An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act | 06/11/21 | 06/11/28 | Banking, Trade and Commerce | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | 07/02/28 | Banking, Trade and Commerce | 07/04/19 | 0 observations | 07/04/26 | 07/05/03* | 9/07 |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | 07/03/21 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|-----------|-------|
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| C-36 | An Act to amend the Canada Pension Plan and the Old Age Security Act | 07/03/20 | 07/04/17 | Banking, Trade and Commerce | 07/04/19 | 0 | 07/05/01 | 07/05/03* | 11/07 |
| C-37 | An Act to amend the law governing financial institutions and to provide for related and consequential matters | 07/02/28 | 07/03/21 | Banking, Trade and Commerce | 07/03/29 | 0 | 07/03/29 | 07/03/29 | 6/07 |
| C-38 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 6/06 |
| C-39 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>) | 06/11/29 | 06/12/05 | — | — | — | 06/12/06 | 06/12/12 | 7/06 |
| C-40 | An Act to amend the Excise Tax Act, the Excise Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other Acts | 07/05/15 | | | | | | | |
| C-46 | An Act to provide for the resumption and continuation of railway operations | 07/04/18 | 07/04/18 | Committee of the Whole | 07/04/18 | 0 | 07/04/18 | 07/04/18* | 8/07 |
| C-48 | An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption | 07/05/01 | 07/05/10 | Foreign Affairs and International Trade | 07/05/17 | 0 | | | |
| C-49 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 3/07 |
| C-50 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>) | 07/03/26 | 07/03/27 | — | — | — | 07/03/28 | 07/03/29 | 4/07 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| C-252 | An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) | 07/03/22 | 07/04/19 | Social Affairs, Science and Technology | 07/05/10 | 0 | | | |
| C-277 | An Act to amend the Criminal Code (luring a child) | 07/03/29 | 07/05/10 | Social Affairs, Science and Technology | | | | | |
| C-288 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | 07/03/29 | Energy, the Environment and Natural Resources | 07/05/17 | 0 | | | |
| C-292 | An Act to implement the Kelowna Accord | 07/03/22 | | | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|------------------|--------|-------|-----------------|------|-------|
| C-293 | An Act respecting the provision of official development assistance abroad | 07/03/29 | | | | | | | |
| C-294 | An Act to amend the Income Tax Act (sports and recreation programs) | 07/04/17 | 07/05/02 | National Finance | | | | | |
| C-299 | An Act to amend the Criminal Code (identification information obtained by fraud or false pretence) | 07/05/09 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|--|---|----------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | 07/05/10 | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | 07/04/25 | | |
| S-206 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Legal and Constitutional Affairs | | | | | |
| S-207 | An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.) | 06/04/05 | 06/12/14 | Human Rights | | | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 06/04/06 | | | | | | | |
| S-209 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 06/04/25 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|--|--|----------|-------|-----------------|------|-------|
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 06/12/06 | 1 | 06/12/07 | | |
| S-214 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 06/05/17 | 06/10/03 | Social Affairs, Science and Technology | 06/12/14 | 0 | 06/12/14 | | |
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| S-216 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 06/05/30 | 06/12/13 | Aboriginal Peoples | | | | | |
| S-217 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 06/05/30 | 06/10/18 | National Finance | | | | | |
| S-218 | An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk) | 06/06/15 | 06/11/02 | Legal and Constitutional Affairs | | | | | |
| S-219 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.) | 06/06/27 | | | | | | | |
| S-220 | An Act to protect heritage lighthouses (Sen. Carney, P.C.) | 06/10/03 | 06/11/28 | Fisheries and Oceans | 06/12/11 | 16 | 06/12/14 | | |
| S-221 | An Act to establish and maintain a national registry of medical devices (Sen. Harb) | 06/11/01 | | | | | | | |
| S-222 | An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen) | 07/02/01 | | | | | | | |
| S-223 | An Act to amend the Access to Information Act (Sen. Milne) | 07/02/15 | | | | | | | |
| S-224 | An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell) | 07/04/17 | | | | | | | |
| S-225 | An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.) | 07/05/09 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|--------|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|-----------|-------|
| S-1001 | An Act respecting Scouts Canada (Sen. Di Nino) | 06/06/27 | 06/10/26 | Legal and Constitutional Affairs | 06/12/06 | 0 | 06/12/07 | 07/02/21* | |

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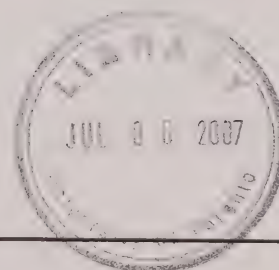
Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 100

OFFICIAL REPORT
(HANSARD)

Tuesday, May 29, 2007

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



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Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, May 29, 2007

The Senate met at 2 p.m., the Speaker in the chair.

[English]

Prayers.

THE LATE CORPORAL MATTHEW MCCULLY THE LATE CAPTAIN SHAWN MCCAUGHEY

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would like to ask senators to rise to observe a minute of silence in memory of Corporal Matthew McCully, whose tragic death occurred recently while serving his country in Afghanistan.

[Translation]

And in memory of Captain Shawn McCaughey, a member of the Snowbirds Air Demonstration Team.

Honourable senators then stood in silent tribute.

She acknowledged the painful moments in New Brunswick's past, which she credited for the strength and resilience of our population today. As well, she immersed herself in the fisheries industry and took serious notice of its current difficulties.

[Translation]

During the two days she spent in my home, the Acadian peninsula, Michaëlle Jean acknowledged and praised the resourcefulness and community-mindedness of New Brunswick's francophones, and she took the pulse of our Francophonie, which she found to be alive and well!

She also spent time with our young people, praising their conscientiousness, and she launched a new online forum to enable them, and francophones from all over Canada, to establish and take advantage of contacts with each other.

[English]

In closing, honourable senators, our Governor General has acknowledged and expressed her support for the laudable goal of provincial self-sufficiency being pursued by our Premier, the Honourable Shawn Graham.

[Translation]

I would like to echo Michaëlle Jean's observation that my home province is a place where people "work so productively together" and that it is "a model of cooperation" for all of Canada.

I hope that this will be the first of many visits because our Governor General is a first-class ambassador to the people, because the crabbers on our peninsula still owe her a deep-sea fishing trip that was cancelled because of the weather, and especially because our province has so much to gain from her visits.

[English]

NAIROBI DECLARATION ON WOMEN'S AND GIRLS' RIGHT TO A REMEDY AND REPARATION

Hon. Nancy Ruth: Honourable senators, I rise today to talk about the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation.

I call to our attention that women survivors, activists and jurists from around the world met in Nairobi, Kenya, a couple of months ago. They formed the Coalition on Women's Rights in Conflict Situations. It is coordinated by the Women's Rights Programme at Rights & Democracy, based here in Montreal.

• (1405)

SENATORS' STATEMENTS

GOVERNOR GENERAL

OFFICIAL VISIT TO NEW BRUNSWICK

Hon. Rose-Marie Losier-Cool: Honourable senators, allow me to express the pride and gratitude of the people of New Brunswick following an official five-day visit by the Right Honourable Michaëlle Jean, our Governor General.

In Gagetown, Fredericton, Bathurst, Caraquet and Shippagan, Michaëlle Jean charmed, moved and impressed every person she shook hands with, spoke to or kissed on the cheek, from our premier, Shawn Graham, to grade six student Claudia Noël and from our Lieutenant Governor, Herménégilde Chiasson, to fisherman Mathieu Guignard.

[English]

Throughout her first official visit to New Brunswick, our Governor General once again demonstrated her empathy for the Canadian Armed Forces, of which she is Commander-in-Chief. Governor General Jean also advocated the advantages of speaking more than one language and she acknowledged the contribution of immigrants to Canadian society.

[Translation]

She showed her appreciation for arts and culture and reminded us of how important they are to our province. She also reiterated her strong opposition to all forms of violence against women and family violence in general.

Women and girls have been targeted and violated in times of war and genocide from time immemorial. Since the 1990s, gender-related acts have been recognized as crimes against humanity, war crimes and forms of torture.

For the first time ever, though, both the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were mandated to investigate and prosecute these gender-related crimes.

In Nairobi, the coalition addressed the important matter of reparation for women and girl survivors of gender-based violence in conflict situations. The international and regional standards and processes in place, such as the March 2006 resolution of the UN General Assembly on reparation, have so far failed to deliver justice to them. Why? Because to restore the victims to their original situation before the violation simply restores women and girls to the discrimination, inequality and vulnerability they faced before the conflict. The second issue is if they have any access to the reparation system at all, because these systems are usually centralized.

• (1410)

The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation was adopted at the March 2007 meeting. It declares that reparations for women and girls must be based on their truth-telling about what happened to them. The reparations process must be driven by women and girls based on their own assessment of their needs. It should allow them the time they need to reflect and make decisions before they come forward to speak about their experience. It must not be limited solely to the payment of compensation. Reparation must empower women and girls in post-conflict societies, not ignore or recreate their fundamental inequality.

Canada should be a leader in animating the Nairobi Declaration at home and abroad. For example, applying the spirit of the declaration to the work of the Truth and Reconciliation Commission for the residential schools would make it a more genuine healing opportunity for Aboriginal women.

I urge the Government of Canada to advocate that the International Criminal Court adopt the Nairobi Declaration in respect of the Trust Fund for Victims. I have endorsed the Nairobi Declaration and I urge every senator to endorse it. I urge the Senate to endorse the Nairobi Declaration.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETING TO REVIEW BILL C-288

Hon. Tommy Banks: Honourable senators, I want to take a brief moment to correct an omission that I made during the debate last week on Senator Tkachuk's question of privilege. It was suggested that the clerk of the committee involved in the meeting in question failed to act properly. I want to assure all honourable senators that the clerk of the committee did exactly what she was supposed to do and discussed the matter with me before the committee meeting was called to order. She discharged her duties, as she always does, quite properly and thoroughly.

THE HONOURABLE DONALD H. OLIVER, Q.C.

CONGRATULATIONS ON RECEIVING DOCTOR OF CIVIL LAWS DEGREE

Hon. David Tkachuk: Honourable senators, on May 14, 2007, Honourable Senator Donald H. Oliver, Q.C., was presented with his third honorary degree resulting from his exceptional career of achievements: a Doctor of Civil Laws Degree from his alma mater, Acadia University. Senator Oliver's commitment to the community is evidenced through his service as chairman, president or board member of more than 21 charitable organizations with his most remarkable achievement being his substantial contribution to the promotion of equity and fairness for minorities. Senator Oliver continues to foster the advancement of visible minorities in public service and private business by bringing to the forefront the barriers that they face and by relentlessly arguing for the importance of hiring visible minorities into Canada's workforce.

It is with a profound sense of pride that I congratulate Senator Oliver, a redoubtable campaigner for civil rights as well as for the Conservative Party of Canada, on the honorary degree that has been awarded to him. I ask that honourable senators join with me in congratulating Senator Oliver on receiving this honour for his significant career accomplishments and his continuing dedication to serving the community.

Hon. Senators: Hear, hear.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDENT SUMMER JOBS PROGRAM— EFFECT ON MANITOBAN FRANCOPHONES

Hon. Maria Chaput: Honourable senators, I want to say a few words about the situation in French Manitoba concerning the summer job program for students that we used call the Summer Career Placements Program.

Last March, the government decided to scrap the Summer Career Placements Program only to bring it back and rename it Canada Summer Jobs. The new eligibility criteria have excluded not-for-profit organizations and local agencies that have always benefited from this funding. In French Manitoba, out of 26 applications, only one was accepted.

The following are some examples of the negative economic impact these rejections have on rural areas and small communities in Manitoba. The municipality of Montcalm will not have students to manage the summer tourism service for the region. The St. Joseph museum will not be able to open its doors this summer; last year it welcomed over 2,500 visitors.

• (1415)

By hiring summer students, Tourisme Riel has been able to offer tours of the St. Norbert provincial heritage park, but now not a single tour will be offered in St. Norbert or St. Boniface.

Without any coordinators, the Saint-Pierre-Jolys tourist bureau will not open its doors this summer. The Saint-Pierre-Jolys museum will not provide tours to visitors either.

In Somerset, tours of the Gabrielle-Roy museum and the summer day camp for children have both been cancelled. In St. Claude, the historical society will not be able to receive tourists at the Dairy Museum of Manitoba. Without students, tours of the museum in St. Georges will not take place.

All these not-for-profit agencies were counting on support from a federal subsidy to pay the summer wages of a student. This is the only way they can provide services to the local clientele and tourists during the summer. The activities budget for these small communities is always very tight. To them, cutting a subsidy means stopping the summer program for tourists travelling west who decide to spend two or three days in Manitoba. I wonder whether the Conservative government is aware of the harm it is causing to our regional economy with these rejections.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in the gallery of Dr. Pura Concepción Avilés Cruz and Dr. Danay Saavedra Hernández, both of whom are members of the Cuban Parliament. They are accompanied by His Excellency, Ernesto Antonio Senti Darias, and la senora. Welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour of tabling, in both official languages, the report of the Information Commissioner for the year ending March 31, 2007, pursuant to section 38 of the Access to Information Act.

SENATE REFORM

DOCUMENT TABLED

Hon. Daniel Hays: Honourable senators, pursuant to rule 28(4), and with leave of the Senate, I would like to table a document entitled *Renewing the Senate of Canada: A Two-Phase Proposal*, dated May 25, 2007.

[Senator Chaput]

[English]

INDUSTRY

USER FEE PROPOSAL FOR SPECTRUM LICENCE FEE— REFERRED TO TRANSPORT AND COMMUNICATIONS COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table the Department of Industry user fees proposal for spectrum licence fee for broadband public safety communications and bands 4940 to 4990 megahertz.

After consultation with the Deputy Leader of the Opposition, the Standing Senate Committee on Transport and Communications was chosen to study this document.

CANADA SECURITIES BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-226, to regulate securities and to provide for a single securities commission for Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—FIRST READING

Hon. Yoine Goldstein presented Bill S-227, to amend the Bankruptcy and Insolvency Act (student loans).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Goldstein, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE— REQUEST FOR GOVERNMENT RESPONSE

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the eighth report of the Standing Senate Committee on Official Languages, entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*, tabled in the Senate on Thursday, May 17, 2007, be adopted and

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the President of Treasury Board, the Ministers of Official Languages and of Industry being identified as Ministers responsible for responding to the report.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Official Languages which was authorized to study and report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act, be empowered to extend the date of presenting its final report from June 30, 2007 to June 30, 2008.

[English]

THE SENATE

NOTICE OF MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES IN SENATE

Hon. Wilfred P. Moore: Honourable senators, pursuant to rule 57(1)(b), I give notice, that two days hence, I will move:

That an humble Address be presented to Her Excellency the Governor General praying that she will fill the vacancies in the Senate by summons to fit and qualified persons.

QUESTION PERIOD

LEGAL AND CONSTITUTIONAL AFFAIRS

MANUAL ON HOW TO CHAIR COMMITTEES

Hon. James S. Cowan: Honourable senators, my question is for my friend, the newly minted doctor, Senator Oliver, as chair of the Standing Senate Committee on Legal and Constitutional Affairs.

Is the honourable senator able to advise this house whether he has received a copy of the 200-page manual that was distributed to his fellow committee chairs in the House of Commons?

Hon. Donald H. Oliver: Honourable senators, I wish to thank the honourable senator for that question. The answer is no, I have not.

• (1425)

Senator Cowan: Not yet; perhaps it is in the mail.

Would Senator Oliver care to give honourable senators his views as to whether he thinks it is appropriate for the powers that be in the Conservative Party to hijack and control the work of committees in this chamber?

Senator Oliver: I have not read the document and I do not know whether the document refers to the hijacking of the work of committees; however, as the honourable senator knows, it is not something that has taken place in the Standing Senate Committee on Legal and Constitutional Affairs.

OFFICE OF INFORMATION COMMISSIONER

FIRING OF DEPUTY COMMISSIONER

Hon. Lorna Milne: Honourable senators, two weeks ago, the day before the break, in a display of utter cowardice, this government removed Mr. Alan Leadbeater from his position as Deputy Information Commissioner of Canada. Security personnel escorted Mr. Leadbeater out of the office building where he worked. This continues the trend of the current government of firing people first and answering questions later.

Mr. Leadbeater served Canada with distinction for over 20 years in the Office of the Information Commissioner of Canada and the Office of the Privacy Commissioner of Canada. The crime of this civil servant was that he did his job too well.

With that in mind, can the Leader of the Government in the Senate tell honourable senators whether Mr. Leadbeater was dismissed for serving Canadians too well or for not serving this government and its Prime Minister well enough? Was it something that Mr. Leadbeater said? Was his dismissal based in any way on his open and truthful testimony before the Standing Senate Committee on Legal and Constitutional Affairs?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Deputy Commissioner of Information is an officer of Parliament and operates at arm's length from the government, which always has been the case. The government is not involved in any way in the staffing of the Office of the Information Commissioner of Canada.

OFFICERS OF PARLIAMENT

DISMISSAL POLICY

Hon. Lorna Milne: Honourable senators, I am quite curious about this government's use of public humiliation as a tool to intimidate public servants who are critical of the current government, regardless of their position or their previous record of service.

Between the firing of Mr. Leadbeater and the previous dismissal of the Commissioner of the Environment and Sustainable Development, Joanne Gélinas, this government has

thrown away over 27 years of public service experience. This government has done so without providing justification for its actions. What will happen when this government loses patience with the commentary of the current Auditor General?

Can the Leader of the Government in the Senate tell honourable senators if the firing of Mr. Leadbeater is part of this government's ongoing mission to turn all of Canada's officers of Parliament from watchdogs into lapdogs, or is this government prepared to allow Canadians to continue to get the high level of service that they have received from these people over the years?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): My answer to the honourable senator's first question stands. These are officers of Parliament and we do not interfere in their status within their offices.

I am curious about Senator Milne's comments about Ms. Gélinas. Certainly, no one on this side had any difficulty with the words of Ms. Gélinas as she was highly critical of the previous government and their handling of the environment file. Her departure from the Office of the Auditor General had absolutely nothing to do with that criticism. As I said, we did not question her public musings about the ineptitude of the previous government on the environment.

Sheila Fraser is the Auditor General and an officer of Parliament. She is completely responsible for her own staff. What transpired between Ms. Fraser and Ms. Gélinas is a matter for Ms. Gélinas and the Auditor General; it has absolutely nothing to do with the government.

[Translation]

CONSERVATIVE PARTY OF CANADA

ADVERTISING CAMPAIGN REGARDING LEADER OF OPPOSITION

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, rumour has it that the Conservative Party is about to launch a series of negative advertisements and personal attacks against the leader of the Liberal Party. One must wonder whether these personal attacks are meant to be a red herring, to distract Canadians from the government's intentions regarding the withdrawal of troops from Afghanistan and regarding climate change, which will be discussed at the upcoming G-8 meeting.

Can the Leader of the Government in the Senate tell us how much these advertisements cost and what their aim is? Furthermore, what will her government do to prevent foreign firms from grabbing the assets of Canada's dynamic businesses?

• (1430)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The information to which she refers is not rumour; it is absolutely true. The Conservative Party of Canada launched

one television and two radio advertisements this morning drawing attention to the fact that Bill S-4, with regard to Senate term limits, has been in this place for a full year now. The advertisements also compare the long delay on this bill to the leadership of the Honourable Stéphane Dion. The advertisements are paid for by the Conservative Party. I would be very happy to provide a copy to the honourable senator.

With regard to the question of foreign ownership, the fact is that Minister Flaherty announced the creation of a panel in the budget. However, if the honourable senator were to look at the facts, there are just as many Canadian companies, if not more, participating in buying offshore. I was delighted to see so many newspapers this morning, both editorialists and columnists, calling this latest scheme of Mr. Dion's what it is.

[Translation]

Senator Hervieux-Payette: Honourable senators, we are all here to do our work in this respectable and honourable institution, the Senate of Canada. Our colleagues have been working in committee for months. They are examining the matter. They have heard from renowned experts. Our party was not at all, and still is not, against changes that must be made to the Senate. So, can the Leader of the Government in the Senate tell us why the Leader of the Opposition is being discriminated against and why this institution is being attacked, when we are all here to work constructively and positively for the future of Canadians?

[English]

Senator LeBreton: The honourable senator referred to "working positively in cooperation"; she could have fooled me. The fact is that Mr. Dion said in February that he supported the Senate tenure bill; this is June and we are still waiting.

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. W. David Angus: My question is for the Honourable Leader of the Government in the Senate in regard to the problems and costs associated with the Liberal Kyoto plan.

On July 1, Canada Day, 2006, Stéphane Dion conceded that a future Liberal government would be unable to meet its Kyoto commitment of reducing greenhouse gas emissions below 1990 levels. He stated:

In 2008, I will be part of Kyoto, but I will say to the world, I do not think I will make it.

That was in the *National Post*, July 1, 2006.

Scott Brison, the current Liberal member from Kings—Hants, is on the record to the effect:

The job losses from Kyoto ratification will affect all regions of Canada.

What about John Godfrey, MP from Don Valley West, who conceded last June that the Liberal Kyoto plan was flawed?

[Senator Milne]

There is also the unflappable Garth Turner. He referred to Canada's Kyoto targets as:

We are so far behind now that catch-up is impossible, without shutting the country down.

Michael Ignatieff, member for Etobicoke—Lakeshore, once stated:

I think our party has got into a mess on the environment. As a practical matter of politics, nobody knows what (Kyoto) is or what it commits us to.

In view of such criticism of the Liberals by their own leaders with respect to their work on Kyoto, is the honourable senator confident that Canada's new government is on board to correct the problems and failures of the past Liberal government with respect to the environment?

• (1435)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): That, for a change, was a good question, and I thank the honourable senator for it.

There is no question that, for the first time, the government has a plan, has put it out for everyone to understand, has brought in regulations for all industries and will deal with the effects of pollution. A UN report was released earlier this week in which Yvo de Boer was complimentary of the government and Minister Baird for the position put forward.

I point out to this place that Minister Baird appeared before a Senate committee and outlined some of the real costs of Kyoto. I think those costs are noteworthy to put on the record again. The figures are from a study that was completed for the previous government, but it never saw the light of day.

To go over a few points in that study, it showed that Canada's GDP would decline by over 4.2 per cent. This decline would represent a deep recession, comparable to the recession Canadians faced in 1981-82, also when the National Energy Program was brought in.

The report also showed that 275,000 Canadians would lose their jobs by 2009, disposable income would fall by \$4,000 per family of four and after 2010, the cost of electricity would jump by 50 per cent.

The other side becomes upset when I bring these facts forward. These facts were brought forward by their government. If this problem was easy to solve, they would have done something about it. It is not easy. We have put forward a plan, which I am sure the members opposite are not pleased with. The fact is, the Canadian public is responding positively to the plan put forward by the government.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDENT SUMMER JOBS PROGRAM

Hon. Marilyn Trenholme Counsell: I have another good question, and it is for the Honourable Leader of the Government in the Senate. I hope I receive a straight answer. The subject is Canada Summer Jobs 2007.

Honourable senators, my question has two parts, and I would appreciate a factual answer to both parts. The first part: What was the original budget for Canada Summer Jobs 2007? In dollars, what was the difference compared to 2006 when it was known as the Summer Career Placement Program?

The second part: Has money now been added finally to treat non-profit groups with some small measure of respect: respect for children, disabled citizens, libraries, children's summer camps and the list goes on? If dollars have been added in the last several weeks, how many dollars?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

With respect to the Canada Summer Jobs program, the exact same amount of money was dedicated to not-for-profit organizations this year as last: \$77.3 million.

As the government geared this program more towards students working in not-for-profit organizations rather than for the Wal-Marts of the world, this is the first year the new approval process has taken place. Obviously, there were worthy groups who did not receive funding from the program. As honourable senators know, Minister Solberg has asked the responsible department to review the issue, and they are now processing the second wave of funding.

• (1440)

In answer to the honourable senator's specific question, the exact same amount of money, \$77.3 million, which was dedicated last year to not-for-profit organizations, is the amount that was dedicated this year.

Senator Trenholme Counsell: There is a significant amount of confusion about this issue. The honourable leader did not answer the first part of the question. On February 7, 2007, in the Standing Senate Committee on Social Affairs, Science and Technology, when we had hearings on literacy, Mr. Treusch, Assistant Deputy Minister of Strategic Policy and Planning, Human Resources and Social Development Canada, said that their department had been subject to a cut of \$107.5 million, of which \$17.7 million went to literacy, leaving \$89.8 million over two years. He said there was a figure of \$89.8 million left in the cuts, and the largest proportion of those cuts was being directed to the student summer jobs program.

I did not receive a specific answer to this question, but I think it is worthy that we know, perhaps as a delayed answer, how much actually was cut. I have pages and pages here where the Honourable Mr. Solberg has said the same amount was going to the non-profit groups. We should find out how many jobs out of the total went last year to Wal-Mart. I suspect it is a very small percentage, and yet the leader's government continues to say that we will not pay for students to pour coffee and whatever they do at Wal-Mart. That represents such a small part and is totally unfair to the students who work on behalf of children and the disabled, in libraries, playgrounds, summer camps and the rest.

Perhaps the Leader of the Government in the Senate will answer my original question. What was the original budget this year and what was the actual cut for the student summer jobs program? The assistant deputy minister said the largest cut in the HRDC budget would go to student summer programs.

Senator LeBreton: Honourable senators, this program was designed at a time when there was high student unemployment. Obviously, in many parts of the country, that is not now the case. The decision of the government was to direct the program to students who work in the not-for-profit sector and not to subsidize businesses which would probably hire the students in any event.

With regard to the honourable senator's specific question, which was further to testimony that was heard before the Standing Senate Committee on Social Affairs, Science and Technology, I will be happy to take that question as notice.

FOREIGN AFFAIRS

ZIMBABWE—BREAKING DIPLOMATIC RELATIONS

Hon. Hugh Segal: Honourable senators, my question to the Leader of the Government in the Senate relates again to the issue of Zimbabwe. She has been most gracious in accepting questions reflecting the unanimous motion of this place to withdraw from diplomatic relations with the Mugabe administration.

Today, the chief representative in Canada of the MDC, which is the main opposition party in Zimbabwe, has written to request that severance take place as quickly as possible. He wrote that the MDC offices had been raided by ZANU-PF police, who had taken their computers and logistics for the coming election preparation. They were being asked to go for talks with a government that does not honour freedom of speech or even respect their being a legal opposition political party. Their party members are picked at random, put in jail and brutalized, without access to justice. Ordinary people are harassed every day, in addition to being denied basic necessities of life, like work, food and bank loans to those who are commercially involved.

All this is being done to crush the MDC as led by the opposition leader, President Morgan Tsvangirai, and he calls again for the earliest possible withdrawal of our diplomatic relations.

Could I ask the minister, in her inquiries, to take into consideration this new communication from the opposition party in Zimbabwe?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Further to the motion passed in the Senate on May 8, I raised this matter with Minister MacKay.

• (1445)

As Honourable Senator Segal knows, Minister MacKay, on behalf of the government, condemned the Zimbabwe government's brutal crackdown on protesters on March 11, which led to two deaths and many injured, and called for the

immediate release of the protesters. Minister MacKay has also met with the leader of the opposition from Zimbabwe. Canada made statements at the United Nations Human Rights Council calling on Zimbabwe to respect human rights and the rule of law.

In Minister MacKay's view, breaking diplomatic relations with Zimbabwe at this time would not be an effective way to advance Canadian objectives. Our withdrawal would prevent us from maintaining support for the civil society of Zimbabwe, which needs it more now than ever, and from providing consular services to Canadians who are presently living in Zimbabwe.

It would also deprive us of invaluable information on the latest developments, which is essential to the department and to the government in developing policy and influencing events in the future.

Having said that, Senator Segal, in view of the comments of the Leader of the Opposition that you raise today, I will be happy to convey them to the minister, as I have done in the past.

[Translation]

HERITAGE

FUNDING OF SUMMER FESTIVALS

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. In its March 19 budget, the government announced investments of \$60 million over two years for summer festivals. Unfortunately, we have learned that these funds will not be available until the fall.

Does the Minister of Canadian Heritage realize that summer festivals are actually held during the summer, between June and August, and that a number of festivals will not take place if these funds are not made available?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. As he knows, the minister is looking at the funding for these festivals. A lot of controversy surrounded them in the past. We want to make absolutely sure that the people that will be applying are properly treated and given an opportunity to submit their application. We want to make sure that funding is distributed properly and is respectful of the Canadian taxpayer.

I am well aware of the timing here, but this file has been a very difficult one. It has caused difficulty in the past, and I suggest to the honourable senator that the minister is acting carefully and prudently to avoid any misuse of taxpayers' dollars.

[Translation]

Sensor Lapointe: Honourable senators, in addition to being a violin virtuoso, a remarkable tap dancer and a talented skater, the honourable senator has an excellent way with words. I congratulate her on her talent.

The Minister of Canadian Heritage has had more than two months since the latest budget to get her so-called new program off the ground. In the opinion of the Leader of the

Government in the Senate, is the delay in setting the new funding criteria due to the fact that this government does not really consider culture, the arts and even our festivals as a priority?

[English]

Senator LeBreton: Honourable senators, we have done many things, as I have recited in this place before, in support of the Canada Council, culture and arts all across the country. We have been applauded by many organizations for the work we have done. I think everyone in this place knows what a difficult file it is, and I think the government recognizes the importance of these funds to Canadians in all communities in the country, large and small, no matter where they may be. I think all of us want this process to be conducted properly, in the right way, before money is expended that is not in the best interests of the organizations applying or the Canadian taxpayer.

• (1450)

[Translation]

Senator Lapointe: The Minister of Canadian Heritage recently claimed on a television program — in response to something I had said on the same program — that she had learned French and was continuing her training, even though she said nothing in French during the program. She did say she had seen the movie *C.R.A.Z.Y.* in French five times. It took her quite a while to get what was going on.

Were the new programs drafted in French? If so, then I can understand why the minister has been so slow off the mark.

[English]

Senator LeBreton: That is more of a comment than a question, but I will pass on the honourable senator's comments to the minister.

Senator Lapointe: That is a question.

Senator LeBreton: Is the honourable senator asking me if I am crazy?

I will have to read what the minister said before I am able to let him know whether I agree or disagree.

CONSERVATIVE PARTY OF CANADA

ADVERTISING CAMPAIGN REGARDING LEADER OF OPPOSITION

Hon. Anne C. Cools: A few minutes ago, I understood the Leader of the Government in the Senate to say that the government had made Bill S-4 the subject of an advertisement campaign; am I correct?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): No, the honourable senator is incorrect.

Senator Cools: Very well. My questions flow from what I thought I heard the honourable say, so perhaps she could clarify what she did say.

Senator LeBreton: It is hard to clarify something that clearly the honourable senator misheard or misunderstood.

In response to Senator Hervieux-Payette, who said there were rumours that there were advertisements being run about Bill S-4 and the Leader of the Liberal Party, I confirmed that yes, in fact, there are such advertisements. The advertisements, paid for and produced by the Conservative Party of Canada, were launched this morning at Conservative Party headquarters.

Senator Cools: Then I did understand Senator LeBreton correctly. She just said again that she was able to confirm that the party is running advertisements about Bill S-4. Very well, fine.

I wonder if the Leader of the Government might clarify a couple of things for me. What is the goal that the party seeks to achieve? To what viewing audience are these ads directed?

Senator LeBreton: Honourable senators, we seek to educate the public on the democratic reform proposals that were part of our platform and that we have put forward into legislation. We were elected on a platform and through these advertisements we simply want to point out that this issue is an important part of that platform. Of course, we all know the other platform issues.

We want to reach the Canadian public, and the Canadian public does not necessarily watch the proceedings of this place every single day.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Hubley on February 20, 2007, with respect to National Defence, the manufacture and use of cluster munitions, as well as a delayed answer to the oral question raised by Senator Grafstein on March 22, 2007, with respect to Budget 2007, gas consumption incentives.

NATIONAL DEFENCE

MANUFACTURE AND USE OF CLUSTER MUNITIONS

(Response to question raised by Hon. Elizabeth Hubley on February 20, 2007)

The Canadian Forces have never used cluster munitions in Afghanistan. In fact, the Canadian Forces have never used cluster munitions, either on operations or on exercise. The government cannot comment on the munitions used by other NATO nations.

The Canadian Forces recently destroyed their entire stockpile of MK20 "Rockeye" air-delivered cluster munitions. They currently hold 155-millimetre Dual Purpose Improved Conventional Munitions, which are artillery delivered cluster munitions. These munitions are in the process of being destroyed.

The use of any weapon by the Canadian Forces, including cluster munitions, would be subject to prior reviews to ensure full respect of international humanitarian law.

BUDGET 2007

GAS CONSUMPTION INCENTIVES

(Response to question raised by Hon. Jeremiah S. Grafstein on March 22, 2007)

As part of the Government's plan to protect the environment, Budget 2007 introduces a new Vehicle Efficiency Incentive (VEI) structure that will cover the full range of passenger vehicles. It includes a performance-based rebate program offering up to \$2,000 for the purchase of a new fuel-efficient vehicle, neutral treatment of a broad range of vehicles with average fuel efficiency that are widely purchased by Canadians, and a new Green Levy of up to \$4,000 on fuel-inefficient vehicles.

This initiative is part of a comprehensive, results-oriented emission reduction plan to clean our air, help address climate change and create a healthier environment. It aims at encouraging the purchase of more fuel-efficient vehicles and support consumers in making environmentally responsible choices before the new fuel-efficiency standards take effect for the 2011 model year.

The ecoAUTO Rebate Program encourages Canadians to buy fuel-efficient vehicles by offering rebates from \$1,000 to \$2,000 towards the purchase of new fuel-efficient vehicles that meet the required criteria. Initially, new automobiles with a combined fuel consumption rating of 6.5 L/100 km or less and minivans, sport utility vehicles (SUVs) and other light trucks with fuel consumption of 8.3 L/100 km or less will be eligible for a rebate. The basic rebate amount will be \$1,000, and an additional \$500 will be added for each half litre per 100 km improvement in the combined fuel-efficiency rating of the vehicle below these thresholds. Current models qualifying for the rebate include hybrid electric vehicles, conventional fuel-efficient vehicles and the most efficient of the E85 flex fuel vehicles (vehicles equipped by manufacturers to operate on gasoline or a blend of 85 per cent ethanol/15 per cent gasoline). New flex fuel vehicles with a combined fuel consumption E85 rating of 13.0 L/100km or less will be eligible for a rebate. These vehicles will be eligible for a \$1,000 rebate. For model year 2007, there are 16 models eligible for the rebate. Three of these models are produced in Canada. The attached table illustrates which vehicles are eligible for the rebate and the level of the rebate.

(For table, see Appendix, p. 2450.)

Budget 2007 indicated that the eligibility thresholds will be reviewed periodically.

Eligible 2007 model vehicles sold or leased (long term lease of twelve months or more) as of March 20, 2007 will qualify for the rebate. 2006 model year vehicles meeting the program criteria are also eligible.

• (1455)

[English]

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I would like to deal with a question of privilege. On Wednesday, May 16, 2007, the Honourable Senator Tkachuk, acting pursuant to rule 43 of the *Rules of the Senate of Canada*, provided written and oral notice of his intention to raise a question of privilege relating to a meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources to conduct clause-by-clause study of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol, held the evening before. Since the Senate adjourned at 4 p.m., pursuant to order, the matter was taken up the following day, Thursday, May 17. I wish to thank all senators who contributed to the discussion, which helped to clarify the full range of issues involved.

It would be helpful to explain how the process for dealing with questions of privilege works. At this stage, the Speaker's role is solely to determine whether a *prima facie* case of privilege has been made out. If there is found to be a *prima facie* case of privilege, the senator raising the matter has the opportunity to move a motion that is then debated by senators. The decision as to whether anything should be done is ultimately the Senate's.

[Translation]

As explained in *Maingot*, the second edition, at page 221:

A *prima facie* case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter. . .

In effect, this is a means to allow the Speaker to weed out cases that are not questions of privilege. If the Speaker rules that a reasonable person could conclude that there may have been a violation of privilege, the Senator who raised the matter is given the opportunity to propose some type of remedy by immediately moving a motion either to refer the matter to the Rules Committee or to call upon the Senate to take some action. In the end, the matter remains in the hands of the Senate, with the Speaker only providing an initial review.

[English]

Certain facts of the situation prompting Senator Tkachuk's question of privilege do not seem to be in dispute. The Senate adjourned at 7:20 p.m. on Tuesday, May 15. The committee, sitting in room 257 of the East Block, began its meeting to conduct clause-by-clause consideration of Bill C-288 at 7:23 p.m. and the committee completed this process and adjourned at 7:26 p.m. The committee met in public on an order of reference with quorum, after necessary notice, with interpretation available, and did not meet while the Senate was sitting. In terms of the *Rules of the Senate of Canada*, the meeting was in order. This point was emphasized by a number of senators on May 17.

A question of privilege is, however, different from a point of order. The privileges of this chamber exist because they are necessary to fulfil our obligations as parliamentarians. A question of privilege is therefore a serious matter. Rule 43(1) of the *Rules of the Senate* notes:

A violation of the privileges of any one senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*.

[Translation]

Four basic conditions must be met for a putative question of privilege to be accorded priority over other matters before the Senate. It is the Speaker's role to evaluate these criteria.

First, rule 43(1)(a) requires that the matter be raised at the earliest opportunity. This is clearly the case here.

[English]

Second, rule 43(1)(b) requires that the matter directly concern the privileges of the Senate, a committee or a senator. This case involves a complex interaction between the rights and duties of committee members, the rights of the Senate to the presence of its members and the freedom usually accorded to committees to conduct their business. This second criteria is also met.

• (1500)

Third, rule 43(1)(c) requires that the question "be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available;"

The Speaker's role is limited to evaluating whether there is some option that could fulfil this condition. Senator Tkachuk can move a variety of motions meeting this condition. He has indicated that he is prepared to do so. Thus, the third criterion can reasonably be met.

[Translation]

Fourth, rule 43(1)(d) requires that the question be raised to correct a grave and serious breach. Fundamentally, Senator Tkachuk has suggested that he was obstructed from his ability to discharge his duties in committee. This is a grave and serious matter.

The putative question of privilege under consideration meets the conditions to be accorded priority under the special processes for a prima facie question of privilege. Senator Tkachuk has outlined how he felt that he was impaired in fulfilling his parliamentary role, given the limited time available to go from the Senate Chamber to the committee room. Senators will now have the opportunity to debate whether this matter should be pursued further.

[English]

I reiterate that this decision on the prima facie aspect of the question of privilege is not a definitive resolution of the issue. This ruling does not establish that Senator Tkachuk's privileges were breached, nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.

Senator Tkachuk now has an opportunity, under rule 44(1), to move a motion either calling on the Senate to take some action or referring the matter to the Rules Committee. The motion must be moved at this time, although it will only be taken into consideration at the end of Orders of the Day or at 8 p.m., whichever comes first. Debate on the motion can last no more than three hours, with each senator limited to speaking once and for no more than 15 minutes. Debate can be adjourned and, when concluded, the Senate will decide on Senator Tkachuk's motion. The final decision is with the Senate.

Therefore, the ruling in this matter is that a prima facie case of privilege has been established and the conditions of rule 43 have been met.

Hon. David Tkachuk: Honourable senators, as His Honour has found that a prima facie case of a violation of my privilege has been established, I move, pursuant to rule 44(1):

That all matters relating to this question of privilege, including the issues raised by the timing and process of the May 15, 2007 meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources and their effects on the rights and privileges of senators, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report; and

That the committee consider both the written and oral record of the proceedings.

The Hon. the Speaker: Honourable senators, pursuant to rule 44(3), debate on the motion shall commence when the Senate has completed consideration of the Orders of the Day or no later than 8 p.m. today, whichever comes first.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. A. Raynell Andreychuk moved third reading of Bill C-48, to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

She said: Honourable senators, I wish to thank the members of the Standing Senate Committee on Foreign Affairs and International Trade for their work on Bill C-48. Not only did they look at the clauses of Bill C-48, but they also went further and looked into the whole issue of corruption, including how it affects Canada's relations and how corruption in developing countries is affecting the natural good governance and growth of those countries.

Bill C-48 is a step in the right direction to bring uniform definitions and procedures with respect to a universal United Nations attempt to fight corruption.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I rise to encourage my colleagues on both sides of the chamber to support this bill because, as the witnesses who appeared before the committee said, it is a step in the right direction.

I would also like to thank the members of the committee who recommended witnesses, welcomed them and delved into their knowledge of international corruption. The witnesses were asked whether the bill should move forward without amendment, and they strongly recommended that it should. That is why I support this bill as it is written.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill C-22, to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

She said: Honourable senators, I am pleased to rise today to begin second reading debate of Bill C-22. The protection of Canada's children is an issue near and dear to all of us. This issue has often come before us and, as in the past, I hope that it will once again unite us in condemning adult sexual predators who prey on vulnerable youth, for this is what lies at the core of Bill C-22.

The bill it is about better protecting 14- and 15-year-olds against adults who seek to sexually exploit them. Bill C-22 accomplishes this by proposing to amend the Criminal Code to raise the age of consent.

Over the years, there has been much public discussion about age of consent. However, it is not always clear from the discussion that there is an accurate understanding of age of consent. Indeed, some, including teenagers, may not even know that there is such a thing as an age of consent.

The age of consent or "age of protection", as Bill C-22 now proposes, refers to the age below which the criminal law does not recognize the legal capacity of a young person to consent to sexual activity. Below this age of consent, all sexual activity, whether it is a sexual touching such as kissing or sexual intercourse, is prohibited.

• (1510)

Currently, the Criminal Code sets the age of consent to sexual activity at 18 years where it involves prostitution, pornography or where there is a relationship of trust, authority or dependency, or the relationship is otherwise exploitive of the 14- to 18-year-olds. I am pleased to see that Bill C-22 will maintain 18 as the age of protection for these forms of sexual activity.

However, for other forms of sexual activity, the Criminal Code currently sets the age of protection at 14 years, with one exception. Under this exception, a young person who is 12 or 13 years old, can consent to engage in sexual activity with another person who is less than two years older, but under 16 years of age, provided that the relationship does not involve trust, authority or dependency and is not otherwise exploitive of the 12- to 13-year-olds. This is often described as the two-year close-in-age exception. Bill C-22 proposes to maintain this two-year close-in-age exception for 12- and 13-year-olds.

In addition to raising the age of protection from 14 to 16 years, Bill C-22 builds upon the existing framework and provides a new close-in-age exception for the 14- to 15-year-olds who would now be under the age of protection. Similar to the existing two-year close-in-age exception for 12- and 13-year-olds, Bill C-22's new exception would allow 14- and 15-year-olds to consent to engage in sexual activity with another person, provided that the other person is less than five years older and the relationship does not involve authority, trust, dependency and is not otherwise exploitive of the young person.

A five-year close-in-age exception makes sense and is needed for a number of reasons. First, it recognizes the reality, whether or not we like it, that youth are, in fact, sexually active and that the majority of youth who are sexually active have partners who are within that age range. For example, a June 2006 research brief for the U.S. Department of Health and Human Services that was based on data from the 2002 National Survey of Family Growth reported that for 87 per cent of girls and 96 per cent of boys aged 15 to 19 years, the age of their partner at first sexual intercourse was either younger or within three or four years older. For 3 per cent of boys and 13 per cent of girls, the age of their partner was five years older or more.

A five-year close-in-age exemption also reflects the fact that across Canada there is a wide differential in treatment of age and grades in our schools such that it is not possible to identify a single consistent school-aged cohort for all Canadian teenagers. High schools most often include four to five grades and can start at grade 7 or 8 and end at grade 12. The age of most students in grade 7 is 12 years; of grade 9 students, 14 years; and, of grade 11 students, 16 years. A five-year close-in-age exception is a reasonable accommodation of these differences.

Bill C-22 also proposes another type of exception, again a reflection of another fact, namely, that when the new age of protection of 16 years comes into force, there may be some 14- and 15-year-olds who are already married to or in an established common law relationship with a partner who is more than five years older.

As introduced by the government, Bill C-22 proposes a time-limited exception for existing marriages and existing common law relationships that met the bill's definition; that is, where the couple was living in a conjugal relationship for a period of at least one year, or for a shorter period of time if that relationship had produced a child, or one was expected, and only if the relationship was not one of authority, trust, dependency or was not otherwise exploitive of the young person.

The effect of this proposed approach was to prevent criminalizing those defined relationships that already existed when the new age of protection came into effect, but it would have prohibited the establishment of such new relationships after Bill C-22 came into force.

Bill C-22 was, however, amended by the Standing Committee on Justice and Human Rights to make the transitional marriage exception permanent. The effect of this amendment is to allow 14- and 15-year-olds to marry a partner who is five years older or more after Bill C-22 comes into force where provincial or territorial solemnization of marriage laws permit marriages of such young persons.

My understanding is that there are few marriages involving 15-year-olds. Indeed, most youth this age do not have marriage on their minds. Moreover, the solemnization of marriage laws in three jurisdictions — Quebec, my own province of Newfoundland and Labrador, and the Yukon Territory — do not allow persons under the age of 16 years to marry. In the remaining provinces and territories that do, there is a general requirement for prior judicial or ministerial approval.

In considering whether approving such a marriage would be in the best interests of the young person, presumably such a court or minister would take into account Bill C-22's criminal law reforms that make any sexual activity between a 14- and 15-year-old and another person who is five years older or more a sexual assault.

I applaud both the objective and the approach of Bill C-22 to better protect 14- and 15-year-olds against adult sexual predators while not criminalizing sexual activity between consenting teens.

Honourable senators, others applaud Bill C-22 as well. For example, in August 2006, the Ontario College of Teachers, the licensing and regulatory body for the 200,000 teachers in Ontario, reported on the results of a representative sample survey of 1,000 teachers. About 84 per cent of teachers polled supported raising the age of protection from 14 to 16 years. As a former teacher and principal, I can tell honourable senators that this means much more than just many teachers support Bill C-22. What it tells us, as Canada's lawmakers, is that this added protection is both welcome and needed.

Who better to confirm this than the one group of persons that spends more time with our youth than anyone else, save for other youth, than the one group to whom we, as a society, as parents and as grandparents, entrust our children to teach, nurture and watch over? To my mind, this is a resounding acknowledgement that we are on the right path to better protecting our youth against adult sexual predators with Bill C-22.

• (1520)

Police have also strongly supported Bill C-22 and have been long-time advocates of raising the age of protection. Their daily reality is reflected, for example, in Statistics Canada's 2005 *Juristat on Children and Youth as Victims of Violent Crime* that reported that sexual assaults are crimes that are committed primarily against children and youth. In 2003, children and youth were the victims in 61 per cent of sexual assaults reported to police.

Police experience has also indicated that teens, including 14- and 15-year-olds, are particularly vulnerable to a new form of sexual predation that has emerged from the Internet, namely Internet luring. Adult sexual predators have adapted well to today's new technologies. They know how to use them to find new victims, near and far, to befriend and then sexually exploit them. Honourable senators, 14- and 15-year-olds, especially girls this age, are vulnerable to such predatory behaviour.

These predators often enter into youth chat rooms and pretend to be a child's peer to gain their trust and confidence. They then nurture this trust, sometimes over extended periods of time, and then begin to lay the foundation for an in-person meeting to have sex with that young person. I am sure you have all heard of these experiences.

Even though our Criminal Code has prohibited Internet luring since 2002, the practical reality is that this protection only helps those under the current age of consent of 14 years. Police, therefore, support Bill C-22 because it will provide them with another and more effective tool to protect those who are most at risk — 14- and 15-year-olds — from being sexually exploited through Internet luring.

I am aware that some have criticized Bill C-22, saying that the Criminal Code already adequately protects 14- and 15-year-olds. They point to Criminal Code amendments enacted in 2005 that direct courts to infer that a sexual relationship with a young person between 14 and 18 years is exploitative of the young person by considering the nature and circumstances of the relationship, including the age of the young person, any difference in age between the young person and the other, the evolution of the relationship and the degree of control or influence by the person over the young person.

Police and teachers have told us that Bill C-22 is needed because these and other existing Criminal Code protections are not enough. I agree. There is no certainty with this 2005 amendment. It might or it might not protect a young person between 14 and 18 years of age, and it might protect some youth in certain situations but not others in the same situations.

In contrast, Bill C-22 provides certainty and protects all 14- and 15-year-olds. Under Bill C-22, there is no guesswork involved. If you are five years or more older than a 14- or 15-year-old, you are prohibited from engaging in any sexual activity with that young person. Under Bill C-22, it is never, for example, a question of whether a 14- or 15-year-old consented to sexual activity with a 50-year-old: it is a sexual activity.

You are amazed, Senator Murray?

Senator Segal: Nova Scotians are not used to this kind of frankness.

Senator Cochrane: Bill C-22 also brings Canada's age of consent laws into conformity with that of other like-minded countries. For example, the age of consent in other Commonwealth countries that share the same common-law origins as Canada is 16 years in England, New Zealand and Australia at the federal level, and 16 or 17 years at the state level. In the United States, the age of consent is 16 years under federal law, and ranges from 16 to 18 years at the state level.

In conclusion, I think it is fair to say, as I did at the outset, that the protection of children and youth against sexual exploitation is an objective and, indeed, a priority that we all share. This is also the objective of Bill C-22. I hope that all honourable senators will join me in supporting this bill and providing youth with the additional protection against adult sexual predators that they need and deserve.

On motion of Senator Tardif, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I am pleased to respond to the Honourable Senator Phalen's proposed bill to amend the Immigration and Refugee Protection Act and to enact certain other measures to provide assistance and protection to victims of trafficking.

Honourable senators, let me say from the outset that I appreciate the honourable senator's speech when he introduced this bill wherein he highlighted the terrible conditions faced by victims of human trafficking. Indeed, human trafficking in 2007 is shocking, pervasive, international and the most degrading act against human dignity.

Slavery is flourishing in old forms and in new ways. Its ties are often linked to organized crime, international trafficking, failed states, struggling states and corrupt officers and officials everywhere.

I will not elaborate on the issue itself in detail, as Senator Phalen has done so, but I remind honourable senators of the speeches given when Bill C-49, as it was then called, was in this chamber in the fall of 2005. I also commend for reading a book by Victor Malarek entitled *The Natashas* if one wants to learn about the agony and infamy of human trafficking.

I am sure that everyone in this chamber shares the concern expressed for these victims and is eager to find ways to help alleviate their situation. This is, I believe, the justification for bringing this bill forward, but I have concerns about the application of certain provisions. The bill arises out of the best of intentions but contains several provisions that I am afraid will make things harder, not easier, for victims of human trafficking.

First, I wish to discuss the current policies and actions of the government on this issue. I particularly note that previous governments took actions also, particularly Bill C-49, which I referred to, which led to changes to the Criminal Code.

The current government recognizes the seriousness of this issue, and that is why real action is being taken and there is a commitment to looking at ways to afford even greater protection and support to victims of human trafficking. Before I discuss the measures that Canada already has in place within existing immigration legislation to protect victims of human trafficking, I want to point out one of the challenges in dealing with this issue.

It has been stated in this chamber that there are between 800 and 16,000 victims of human trafficking in Canada. In fact, like so many criminal enterprises, trafficking in persons resists scrutiny. It is extremely difficult to pinpoint the actual number of victims in this country.

For example, when officials at Canada's ports of entry encounter individuals they suspect are victims of human trafficking, they often find it difficult to distinguish them from a routine instance of irregular migration because the victim may not be aware that he or she is being trafficked or is acting through fear or intimidation.

• (1530)

In most cases they are acting on the instructions of their traffickers. Therefore, many will try to pass through ports of entry by misrepresenting themselves as genuine temporary residents.

Trafficking in persons can take a variety of forms, such as forced labour and sexual exploitation, and can also vary from place to place. Generally, there is little consistency amongst reporting agencies as to what is and is not labelled trafficking in persons.

Many trafficking victims are irregular migrants who come from countries where law enforcement has a long history of systemic corruption or human rights violations, and therefore victims are often reluctant or are threatened not to report their victimization or cooperate with police investigations.

Trafficking victims can be sold and resold many times to generate new profits. In other words, a single person can be trafficked more than once from one country to another or within a single country.

As honourable senators understand the difference between trafficking in persons such as for the purpose of sexual exploitation and smuggling migrants, we begin to see how difficult it is to measure the precise number of victims of human trafficking. In any event, forced labour into prostitution or sweatshop labour to service a debt that never ends is not what Canada should ignore.

Honourable senators, I emphasize that Canada's criminal laws provide considerable protection to address the various manifestations of human trafficking. This includes targeted criminal offences that specifically prohibit the trafficking of persons and receiving of financial benefit from this terrible crime.

Taken together, our criminal laws strongly denounce human trafficking and demonstrate Canada's ongoing commitment to ensuring that the perpetrators of such crimes are brought to justice.

While the Government of Canada has taken a strong stance on prosecution, we recognize that victims of trafficking may not be ready to get involved in legal action against their traffickers as we know that leads to double victimization. This was one of my concerns when the earlier Criminal Code bill came before us. Those who traffic victims have a real "hold" on their victims. Threats and intimidation against them or their families back home is real. This leads to one of my concerns with this bill, and the approach that it lays out when compared to the government's current approach.

The proposal to require a victim to testify against their trafficker in order to obtain a long-term residence permit in Canada is coercive and unhelpful. It goes against the Government of Canada's fundamental position that victims are victims, not criminals.

The Government of Canada has been lauded internationally for its decision to make cooperating in the prosecution of one's traffickers a voluntary choice, not a condition of protection. I take this opportunity to outline in more detail for honourable senators the government's recent efforts to combat trafficking in persons and its contributions to prevent trafficking, to protect victims and to prosecute offenders.

I will begin with some background on Citizenship and Immigration Canada's work to address trafficking in persons over the past decade. I will outline more specifically the guidelines that address some of the unique needs of victims of trafficking that were announced by the Minister of Citizenship and Immigration last spring.

From 1999 through 2001, Citizenship and Immigration Canada housed the Secretariat for the Protocols on Human Smuggling and Trafficking and developed Canada's position on the draft United Nations Protocol on Trafficking in Persons, especially women and children.

The Convention on Transnational Organized Crime and the Trafficking Protocol, which Canada ratified in 2002, provide the most widely accepted international framework for addressing trafficking in persons. The Immigration and Refugee Protection Act, which came into effect in 2002, contains Canada's first trafficking-specific offence and marked significant changes to reflect Canada's support of the convention and the protocol.

From the beginning, the issue of trafficking in persons has been addressed collaboratively by federal government departments and agencies. In fact, Citizenship and Immigration Canada continues to work with the Department of Foreign Affairs and International Trade, Department of Justice Canada, the RCMP, and Canada Border Services Agency through an interdepartmental working group to strengthen Canada's response to human trafficking. Certainly, more can be done in coordination and support services.

Citizenship and Immigration Canada has participated in or led initiatives to prevent these crimes from occurring, to protect victims and to prosecute perpetrators. One objective of the government has been to find ways to assist victims of trafficking to ensure that individuals receive appropriate consideration for immigration status.

In May 2006, the Minister of Citizenship and Immigration released a new public policy, issued ministerial instructions and published guidelines for immigration officers that addressed the unique need for immigration status for victims of trafficking. Under the guidelines, trafficking victims are eligible to receive a temporary residence permit that allows them to stay in Canada for up to 120 days and, when warranted, for a longer period of time. The current bill would limit the validity of the short-term permit to 120 days. This restricts an officer's ability to issue a permit for a longer period of time.

These new measures were designed to help victims escape the influence of their traffickers and to begin recovery from their ordeal. In a practical sense, these measures exempt victims from the processing fee for these temporary residence permits and give access to the Interim Federal Health Program to ensure victims of trafficking receive the medical attention they need.

In response to the government's action with respect to the new guidelines on human trafficking, I am pleased to note that the Canadian Council of Refugees was very supportive. Elizabeth McWeeny, President of the Canadian Council for Refugees stated:

These measures mean that the government will begin to treat trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Like many other organizations, the CCR has been calling for this policy change for several years — we are very pleased that Minister Solberg has responded to this call

In the existing Immigration and Refugee Protection Act, there have always been options available to victims of trafficking who would want to remain in Canada permanently. Refugee claims in Canada, applications for humanitarian and compassionate consideration and pre-removal risk assessments can lead to permanent residence, depending on the circumstances. Temporary residence permit holders can also apply for permanent residence in Canada.

The temporary residence permit and these new guidelines strengthen Canada's ability to address the issue of status and provide immediate protection. They also provide a first line of medical assistance under an expanded Interim Federal Health Program, including both medical treatment and trauma counselling if the victim requires it.

Temporary residence permits allow victims of trafficking a period of reflection so that they can make informed choices on their next course of action. These permits allow them to stay in Canada while they recover from physical or mental abuse, and allow them to consider their options further for returning home or allow time to decide only if they wish to assist in the investigation of the trafficker or in criminal proceedings against the trafficker.

• (1540)

I would like to emphasize again for honourable senators that in Canada victims of trafficking are not required to testify against their traffickers in order to gain immigration status.

In summary, my primary concern with this proposed legislation is that while its intent is laudable, its provisions are actually more restrictive than the government's current policy, and will remove some of the privileges that victims of trafficking currently utilize.

Therefore, as I indicated, I appreciate Senator Phalen's concern, and perhaps the committee could look at this issue again. At this point, while the principle of the bill is laudable, the provisions may, in fact, be more restrictive than the cumulative effect of all the laws and practices that have been put in place in the last decade. Therefore, the bill deserves scrutiny before full support.

On motion of Senator Comeau, for Senator Di Nino, debate adjourned.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Comeau*)

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Serge Joyal: Honourable senators, I have not consulted with the Deputy Leader of the Opposition. I apologize to Senator Comeau.

Traditionally those bills have been referred to the Standing Senate Committee on Legal and Constitutional Affairs. Having been a member of that committee for many years, I recall we have dealt with such proposals.

Therefore, I move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

On motion of Senator Joyal, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[*Translation*]

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, considering the importance of this bill and the potential implications for Canadian society and all the provinces involved, we need more time to gather more information concerning this bill. For this reason, I move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

[*English*]

DIVORCE ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin, for the third reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Cools*)

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

KYOTO PROTOCOL IMPLEMENTATION BILL

REPORT OF COMMITTEE—DEBATE ADJOURNED

Hon. Grant Mitchell moved third reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(*Honourable Senator Banks*)

He said: Honourable senators, it is with a great deal of pleasure that I rise to speak to third reading on Bill C-288. I say "pleasure" for a number of reasons. This has been a difficult process, although perhaps a process that reflects the great resilience of democracy and democratic debate. It has been difficult to get the

bill this far. At the same time, it is what I believe to be an historic bill that addresses the issue of our generation, the issue of the 21st century.

I begin by praising the work of the committee. I say that with great sincerity, and address all sides of the committee. I believe that the committee dealt with the critical issues addressed under Bill C-288. Essentially, those issues include whether or not this proposed legislation will harm the economy, as well as what will be the trade-off between investing in the pursuit of Kyoto objectives and what may happen, good or bad, to the economy.

We have had significant debate on the issues. We were fortunate that, although there is so much information, we did not have to spend months and months reviewing it, but instead the selection of witnesses reflected very well both sides of that heartland issue — economy versus the environment. It is also important to note that the committee addressed another significant issue and that is question of tradable permits and how those markets might be structured.

It was after those particular hearings that I had the profound sense that we had dealt in depth and in detail with the very significant, core issues that Bill C-288 addresses. What was also interesting is that the Conservative side made no effort to call anyone who questioned the science. I assume that is no longer an issue in their caucus or in their thinking, and that they would not be saying that committee hearings were not adequate because that particular issue had not been addressed. In fact, they did not call any witnesses.

I respect greatly the efforts and intensity with which the Conservative senators have addressed this issue and the intensity and manner in which they handled themselves in committee. It was clear that no matter what perspective a given witness represented, that witness was questioned rigorously by both sides of the issue, as reflected by members of the Liberal caucus, by independent members and by members of the Conservative caucus on the other side. It is fair to say that every senator brought a great deal of understanding and commitment to this issue. There is no question but that the issues and questions that have arisen around Bill C-288 were rigorously pursued in the committee process and were well represented on many sides by the witnesses who were called.

I thank the chair, Senator Tommy Banks, for his work with the committee. It is not an easy process when a bill of this nature appears. This is a contentious bill and addressed people at a deep value level. Therefore, the decorum of the process should be applauded, and I thank Senator Banks for the work he did for the committee.

• (1550)

In the end, the committee did a comprehensive job, the issues were reviewed properly and more than adequately, the debate proceeded well, and here we are with a chance to further that debate still.

I would like to address a series of issues. Senator Murray raised the first issue. As I have said before, I have great respect for Senator Murray's view of these things. I think it was very useful for the committee to have addressed the question of whether or

not it is proper within the parliamentary structure and process for opposition MPs to hold the government to do something that it may choose not to do or simply does not want to do.

In essence, Senator Murray's concern is that an opposition coalition could render a government unable to use the its prerogative without the opposition having to be held accountable for whatever it is that it is making the government do.

It was interesting to note that the two witnesses who were called were both eminently qualified; Linda Collins, a professor of law at the University of Ottawa and Professor Hurley, a professor of political science who is now retired. Professor Hurley has consulted to governments of both stripes. Both professors, well respected in the community, argued that Bill C-288 supported as it is by a majority of the House of Commons underlines the supremacy of Parliament and is perfectly within order. Professor Hurley went on to say that it is unprecedented that a government should be put in this particular position. Of course, it is unprecedented because it is only recently that the members of Parliament have had the power to vote in this way on issues of real substance. That is a fundamental change and there is a history surrounding that change. In fact, one could argue — as I did in committee — that the change probably emanated from the work and concern of the Western-based Reform Party. The Reform Party pointed out that MPs need to be heard and have more power. Lo and behold, MPs have more power and they should be listened to, although this government has gone to some extent to try to prohibit that function. The fact of the matter is that this is now in place. Members of Parliament have this power. If the circumstances arise again as they did this time, they can get together in a majority and hold a minority government to do something that it may choose not to do.

First, you cannot go back on that and, second, it is not as though the government did not have further prerogative to inhibit or prevent this problem. The government could have called a question of confidence on that bill.

You cannot on the one hand argue that the government lost its prerogative because members of Parliament in opposition voted to force it to do something overwhelmingly significant and then diminish the fact that it had prerogative to prohibit this problem simply by calling a confidence vote on this particular issue. Therefore, it is one of the remarkable features of this parliamentary process that often compensates for these different initiatives in the process of evolution and that, in fact, there was the power of this government, had it not wanted power more than it did not want to achieve Kyoto objectives, to have prohibited and prevented this from ever occurring. Had they called a question of confidence, it might be that it would have resolved itself differently. However, they did not do that, but they did have the prerogative to fight this pressure that came from members of Parliament who were exercising a perfectly legitimate power accorded to them somewhat recently.

Regarding substantive issues with respect to the bill itself, clearly, the heartland issue in this bill — and it is very clear as it continually arises in debate — is the question of economy versus environmental investment. Can you have both? Can you walk and chew gum at the same time?

The one clear and overriding position that the government seemed to want to take, if disappointing, was the day that Minister Baird appeared and made it clear that they wanted to link the pursuit of the Kyoto objective to some kind of economic destruction.

Minister Baird presented a study — I use that word lightly — to somehow defend that there would be economic ruin descended upon Canada should Kyoto be achieved to the end of 2012, the first phase.

Mr. Baird should actually be quite ashamed of himself for having presented this report. The report itself diminishes, pretty much precludes, any credibility it might have had on the question. The report states that the analysis cannot, for example, credibly incorporate such long-term transformational technology such as carbon storage, it cannot include the emissions impacts of long-term energy infrastructure projects such as new plant hydroelectric generation capacity in Northern Quebec and it cannot accommodate business capital turnover cycles. While the two previous items are specified as being long-term technologies, they certainly have not considered the short-term impacts, and the business cycle could be much shorter in many industrial or business-specific cycles.

They cannot allow for an evolution in consumer awareness and behaviour. They did not allow for that. Consumers can change quite quickly. In fact, political analysts have changed. Yes, we will talk about Buzz Hargrove.

The government could not wait for the development of the implementation of solid international certification procedures with respect to green AA use, which could transform this process. This study is not worth the paper it was printed on. It was too bad Minister Baird had expended the energy to produce the paper to print this thing because it is absolutely without credibility. Interestingly enough, it is the only study they have ever produced to show that there might be some economic damage.

It is interesting to note that the Chemical Producers' Association appeared in the committee and reported that their industry is 56 per cent below their 1990 levels of CO₂ emissions.

Even the minister argued, as the association had argued for a long time, that this would hurt the economy. When pressed, I asked on what information he based his argument and he responded that the government had the study. I asked him what he had been using prior to the study. I pointed out that the government had been using the studies of the Chemical Producers' Association for years and that no other studies existed on which to base a firm conclusion. That brings me to my point.

Why is it that somehow we accept this myth that pursuing Kyoto must hurt the economy? There is not a breath of suggestion that when we invest in guns, tanks, helicopters and a war halfway around the world that somehow that damages the economy. There is not a breath of suggestion that it damages the economy because, of course, it does not. Unfortunately, for the wrong reasons, it stimulates the economy, as most investment does.

Why would we conclude that investing to achieve Kyoto targets would inherently and definitively hurt the economy? Why would we come to that conclusion when evidence tells us that when businesses or countries work together on a major environmental initiative, it is absolutely to the contrary? When entities collaborate, the cost is less than is initially prescribed; it often takes far less time; it often ends up, if not always, in making businesses more competitive and efficient; and, in fact, there is ample evidence to show how it simply stimulates economies and improves businesses.

I will paraphrase a quote by Lee Iacocca when he was head of Ford Motor Company in 1973: If we are forced to put in catalytic converters, Ford will go down, 800,000 jobs will be lost and small towns will go under because they will lose a tax base. That never happened.

With respect to CFCs, DuPont said there would be a \$135 billion cost to fix the CFC issue and that whole industries would fold. That never happened. It was believed that acid rain would somehow create a recession. In fact, it never happened. Companies like Inco fight these initiatives. They go through a cycle. First, they say there is not a problem; then they admit the problem, but it is not their fault; then they continue to admit there is a problem, but it is too costly to fix it. Then, when they are forced to fix the problem, they fix it and extol their environmental virtues. That is exactly what companies like Inco did after they fixed the sulphur problem.

• (1600)

There are many examples. Chemical producers fall 56 per cent below the Kyoto objective. That is nine times their Kyoto requirement level, 56 per cent below 1990 levels. The forestry association falls 44 per cent below 1990 levels of carbon production. That is seven times their objective. In answer to that, the small "o" opposition will say, "Yes, but they had 17 or 20 years to achieve this result." They achieved the result seven or nine times more than they had to, so they were doing 3 or 4 per cent a year. They have five and a half years to get to 6 per cent below target. They have lots of time if they just apply themselves. That is very serious.

Countries have done this. The manufacturers association pointed out that their membership is 7.4 per cent below 1990 levels of greenhouse gas production and that their efficiency has increased by 48 per cent.

Let us look at examples, if they exist, of where greenhouse gas emissions reduction damages economies, because it does not damage economies. When business leaders, political leaders and individuals have vision, it is remarkable what they can do. I look at this Conservative government and ask: Why is it that you cannot grab the vision, see the potential and see what is facing you directly, namely, the possibilities for this country and for our role in the world?

The other issue is cost. The government says there will be a huge cost, which is a refinement of the "it will wreck the economy" argument. Let us think about the cost. Currently, a tradable credit in Europe — and these are real credits, which I will address later — is trading for about \$12.60. We have to reduce our greenhouse gas emissions by 260 megatons from business-as-usual 2010 levels. If nothing is done between now and then, we have to reduce emissions by 260 megatons.

If one takes \$12.60 by 260 megatons one is talking far less than \$4 billion a year. It will take less than \$20 billion a year over the next five years for us to meet our Kyoto obligations if we did not do a single thing to reduce emissions, if we simply bought credits so emissions could be reduced somewhere else in the world. Twenty billion dollars is less than the government has forfeited by reducing the GST by 1 per cent. It is less than one half and probably less than one third of 1 per cent of our GDP.

Emissions reduction will not have the kind of economic impact that the government and the Bairds of the world are assuming, without any basis whatsoever, that it will have. The reverse is true. The reverse is that this is the next industrial revolution, that we actually have an opportunity to do something significant to build the next economy, an economy of the future for this country that will be competitive and keep us ahead economically, as we have been to this point.

I think of BIOCAP. One of the committee witnesses had a company which is a member of BIOCAP, which is a network of researchers across the country, highly credible and backed by companies like TransAlta, Lafarge and Shell, who are looking for ways to produce tradable credits through biomass and agriculture and forestry. The potential there is great.

This government recently cut its \$2.5 million annual funding to BIOCAP. Why can they not see the opportunity where we can actually create another stream, maybe a truly economically driven stream of revenue for the agricultural and forestry communities? Not only can they not see that, but they have also absolutely thwarted the great work of BIOCAP by cancelling their funding.

In regard to transformative technologies, why can this government not see the potential for surveying the technological possibilities for reducing greenhouse gas, picking several possibilities and then backing them through our universities, our industry and our own government initiatives in a collaborative effort, a venture that could see us build breakthrough technologies? Some technologies are close to breakthroughs in terms of cleaner burning of coal and producing more concentrated streams of CO₂, for example, that can then be captured.

Imagine if we could think of the technology that would allow that to occur for coal-fired electrical plants. In the not-too-distant future, China will be producing as many as three coal-fired electrical plants a week for who knows how long. Would it not be remarkable if it was Canadian technology that could be sold and Canadian industry that could be building those facilities?

When we have a government that cancels every single program in place out of hand and sends the clear message that it does not believe in Kyoto, then we have a government that does not have the understanding, vision and creativity to build an economy of the future. It is terribly frustrating and disappointing.

The second important issue that arose was in regard to tradable credits. We have heard the standard opposition and criticism: We will not allow Canadian companies to buy hot air. No Canadian company has bought hot air, in Russia or anywhere else. There are structured international organizations that ensure, under Kyoto parameters, that credits that are traded on legitimate markets are in fact legitimate. It is interesting that our stock and

real estate markets operate very much on the assessments and expertise of auditors and accountants, and we accept those reports and analyses. Clearly, we will be in a position to accept the reports and analyses of these organizations when they say this is a legitimate, valuable and valid tradable permit.

For the government to continue to say that we cannot do that, honourable senators, is to find excuses that make no sense. The fact of the matter is that tradable permits are a way to transition from where we are to where we have ultimately reduced our emissions completely. Right now, there are fundamentally significant market mechanisms that work.

One of the witnesses who appeared before us is a representative of a company called Natsource, which represents 26 huge international corporations that are in jurisdictions that require them to find legitimate tradable permits. They have a \$670 million market right now that they have developed and are using to develop tradable permits. This is a real company working for major corporations, and it has to deliver real tradable credits or it will be fired or it could be sued; it would have all of those remedies to face. To say that somehow these markets are not or could not be real is absolutely wrong. They are real and they can be real. Again, because the government denies this, we will miss the opportunity to build those markets in Canada.

I might put in a plug now that the market for Canada in tradable greenhouse gas permits should be in Calgary, where there is already tremendous infrastructure. There is tremendous intellectual capital there, an understanding of markets, and direct interest in finding proper tradable permits because its head offices in Calgary certainly have to confront the question, and they are confronting the question of greenhouse gas emissions. Again, we simply see a government that cannot, for whatever reason, grab the real possibilities, and marketing for tradable credits is one of those real possibilities.

I wish to mention another issue in passing. Clearly, this government has staked a huge amount of its political credibility, such as it is, on international security. That is why it is supportive, one would think, of what the Americans do and why our troops are in Afghanistan. There is ample evidence that climate change will create tremendous international insecurity if it continues to evolve in the way that it does. No amount of military action that we could even begin to afford probably could offset that. If we want to be preventive in the area of international security this, again, is an area that we have to address and address quickly and effectively.

• (1610)

When I assessed the witnesses and the debate, as I have heard and understand it, I was struck by this strange contradiction. There are all kinds of elements to pursuing Kyoto on climate change policy that should appeal immensely to a Conservative frame of mind. There is a huge economic opportunity if we could only have the vision to develop the infrastructure, the research and development, and the marketing that is required to do that.

The other side of the argument is that if we do not take action, there may be a huge economic downside. The newly elected President of France recently said that he will be imposing highly punitive import duties on the products of countries that do not respect Kyoto. There is a downside to this approach. I would

argue that if we want to hurt the economy of this country, we must continue to do what we are doing. If we want to build an economy for the 21st century, then we must pursue Kyoto.

One would think that a Conservative frame of mind that is so business driven would see approach and want to grab it. The Conservatives that I know are very concerned about agriculture. BIOCAP is a classic case of the potential for developing agricultural products that will hold more greenhouse gas that could be sold as tradable credits by farmers to industry that need tradable credits. There is a stream of cash flow, a potential revenue source and they cannot even find \$2.5 million to put into BIOCAP to make it possible for them to pursue the research they have been doing up to this year when their funding was cut off.

We have economic potential. One would think that would be a Conservative initiative. We have agricultural economic potential. One would think that would be of interest to Conservatives. We have helped to provide security around the world. Security seems to be something that is of interest to Conservatives. We have a place in the world, the leadership. One would think that that would be of interest even to Conservatives.

All of these observations argue for embracing Kyoto, not fighting it, but embracing it and none of it happens. How could that possibly be? What is it that underlines that contradiction? For the life of me, I cannot see it. I do not know whether the Prime Minister simply cannot judge or understand. He has the potential to be a great prime minister because he is confronted by a great issue. It could be said that Churchill was not great until the Second World War because he confronted a great issue. Our Prime Minister could address this issue. What does he do? He reduces us down to the minimal. He does not even bring that agenda to the House.

Senator Oliver: That is not right.

Senator Mitchell: That is why he can barely keep the place going. He does not understand the possibilities of what he could do to build this country. There is one explanation: No sense of vision; no sense of what is possible; no sense of greatness. He is blessed in a way that was not the case in the late 1990s and early 2000s by a population whose attitude about this has changed. About 60 per cent of Canadians in the polls are indicating they want something done about Kyoto and 60 per cent have said that they do not like what this government has done and they do not like their plan.

The Prime Minister has the economic potential and a population that is ready like never before to accept the need to pursue Kyoto. He has the possibility to provide leadership so that collective action can be taken by individuals across this country to achieve something great. He simply cannot do it.

Another explanation that I have come across — and I am somewhat sympathetic, but it is not enough — is that Conservatives do not like government to tell them what to do. Most of us do not like government to tell us what it do. I think that may be what sticks in their craw because environmental regulation will bring with it possibly some form of government.

Senator Oliver: Dictatorship!

[Senator Mitchell]

Senator Mitchell: Dictating to them what they have to do.

Sometimes there is something bigger than our own specific concerns in that regard. What is bigger is the future of this country, the future of this planet, our families, our grandchildren. I look at a Conservative government that talks a great deal about family values. If they do not consider the next generation and the generation after that and what climate change may do to them, what credibility do they have when they talk about family values?

I will leave it at that and say that I feel a tremendous sense of frustration in the arguments that I hear from government, the fight that they fight for what seems to be reasons that would contradict even their basic fundamental understanding of what government could do and their objectives in society.

I feel that the potential is great for us to do something significant as a country and it is absolutely affordable. The evidence is that it is not detrimental to economic development, but that it would be stimulative of economic development. Simply because this government has not been able to seize the moment and the opportunity to provide and clarify the vision and provide the leadership, Bill C-288 is essential and I am grateful to the members of the House of Commons who supported it and I look forward to honourable senators supporting it as well.

On motion of Senator Tkachuk, debate adjourned.

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, for the second reading of Bill C-293, respecting the provision of official development assistance abroad.
—(Honourable Senator Comeau)

Hon. Hugh Segal: Honourable senators, I rise today to speak to Bill C-293, the proposed Official Development Assistance Accountability Bill.

Before I begin my remarks, I would like to address Senator Dallaire's concerns when he suggested in this chamber that the adjournment of this debate was somehow a stalling tactic on my part, or on our part, on this side. The honourable senator is well aware of my interest in this bill and knows of my reservations and my reasons for them, as we have corresponded together constructively on these issues. While the bill may not be lengthy, I felt it deserved as much study as time would allow and the adjournment afforded time for further study.

Since the adjournment, I have had occasion to speak with the member who authored the bill in the other place, Mr. MacKay; Ms. McDonough, the NDP Foreign Affairs critic; and the Honourable Senator Dallaire; as well as Mr. Menzies, the government spokesperson in the other place on the legislation. I have also received earnest and genuine correspondence from interested Canadians, which I have studied and reflected upon. I have spoken as well with the head of the

Canadian Council for International Cooperation, with whom I had also met while the bill was still being debated in the House.

I certainly hope Senator Dallaire is not questioning my motivation. I did not want to speak to this bill unprepared. He has every right to question my judgment, my experience or the substance of my argument; that is what debate is about. However he and I may disagree, his motivation and good faith have never been questioned by me.

On the same matter, I would like to thank Senator Cools for her intervention on the point of order and point of clarification. As she so ably pointed out, the time frame allowed to us to do our homework and present cogent, well-thought out arguments for or against the issues with which we are being charged as is part of the procedure of this place. The rules of this chamber allow for 15 days on adjournments and also allow for all senators to speak to matters they deem important. I deem this matter very important in large part because of the great privilege I had participating on the Standing Senate Committee on Foreign Affairs and International Trade, especially benefiting from colleagues such as Senators Stollery, Corbin, Andreychuk, Di Nino and Dawson, who are far better schooled and experienced on matters relating to Africa in particular and foreign aid policy in general than am I.

Canada's Development Assistance Program, now the second largest discretionary grants and contributions program in the government, is indeed in need of enhanced governance and guidance. I agree that Canada must enhance the focus, efficiency and accountability of its international efforts.

• (1620)

May I begin with this quote from the famous Africa report:

Given the failure of the Canadian International Development Agency (CIDA) in Africa over the past 38 years to make an effective foreign aid difference, the Government of Canada should conduct an immediate review of whether or not this organization should continue to exist in its present non-statutory form. If it is to be abolished, necessary Canadian development staff and decision-making authority should be transferred to Department of Foreign Affairs and International Trade. If it is to be retained, CIDA should be given a statutory mandate incorporating clear objectives against which the performance of the agency can be monitored by the Parliament of Canada.

This is recommendation 2, from the report entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa* — a report that was more than two years in the making, and which began long before my arrival in this place.

My name is on the cover page of this report and I think it is obvious that I agree with it. We need to investigate seriously how our foreign aid is managed, distributed and accounted for when we charitably allot taxpayers' dollars to those we deem to be in need.

To be fair, this conclusion was broadly, if not universally, shared across the majority and minority members of the Standing Senate Committee on Foreign Affairs and International Trade of

this place. As was pointed out in the Africa report, the generosity of Canadians is not making a significant difference in sub-Saharan Africa. For this reason, I was interested in Bill C-293 and its attempt to define and regulate the distribution of Canada's development assistance dollars.

There is nothing wrong with the broad purpose of the legislation — to provide a legal mandate for Canadian development assistance, to focus Canadian development assistance on poverty reduction and to strengthen the accountability regime of Canada's assistance programs. The purpose is easy to endorse. However, the bill itself and its provisions tend to undermine the very objective that it tries to establish.

To use but one example, in section 2 of the bill, where it refers to poverty assistance, I would go further, consistent with the Senate committee report, and suggest that we also add "economic self-sufficiency." Canada's development assistance dollars should have a more far-reaching purpose. Providing aid to those in poverty is essential, but providing aid and trade so that those in poverty can attain self-sufficiency is more likely to produce success.

The goal of this bill should not be to perpetuate aid, which is what it will do; it should make aid redundant over time because the targets of our aid have attained the self-sufficiency to move on without it over time. That should be our goal. That is what this bill does not advance.

This would be consistent also with the recommendations in the Africa report, which called on Canadian aid to focus on aid that promotes jobs and self-sufficiency rather than aid without future prospects. I cannot agree with the notion that our foreign aid dollars do nothing to assist with the working future of the recipients. This poverty reduction goal is too narrow, and would make the legislation guilty of the serious abdication implied in limited expectations. It is beneath the standards of Canadians to embark on this diminished path.

Clarity should always be the essence of legislation. If our assistance is to be effective, our objectives should be simple and clearly defined. I suggest that this bill is too complex and contains too many mixed messages to bring precision to Canada's development assistance.

We need clear and precise objectives for Canada's assistance program. In addition, we must provide clear direction for all government departments and agencies involved in disbursing Canadian development dollars, and ensure coherence across government so that we speak with one voice and deliver one coordinated development assistance program.

Bill C-293 states, for example, that the minister shall consult with international organizations, governments and civil society prior to making any decision on the provision of official development assistance. This requirement would render any minister utterly at the mercy of the judgment of a select group of individuals. In the extreme, it could also lead to unproductive legal challenges from groups that, rightly or wrongly, felt they should have been consulted.

Colleagues, there are 40,000 non-governmental organizations in Africa who might feel they should be part of the consultation. I have suggested to my colleague, the good general, by replacing

one simple word in section 2 of the bill — replace “shall” with “may” — we could prevent any religious right wing, left wing or self-interested NGO from challenging a minister’s authority to move ahead with aid projects.

As we all know, it is impossible to make everyone happy all the time. I do not understand why this one small change cannot be taken under advisement by our majority friends opposite.

While consultations with recipient governments may be the ideal, creating an obligation to consult recipient governments in all cases may prove problematic. Not all recipient governments welcome the presence and activities of publicly funded Canadian civil society organizations or the relationships that they build with their partners. In some parts of the developing world, international and local NGOs are perceived as threats that undermine government authority. The requirement of Bill C-293 for Canada to seek the views of government prior to the delivery of official development assistance could put its NGO partners and their programs at risk of local government interference, discrimination, patronage, pork barrelling or worse.

Many of the most vulnerable live under repressive governments that not only discriminate against them, but fail to provide even basic services to the poor. In such situations, often the only way to reach the poor is via NGOs. Requiring Canada to consult such repressive governments could put not only the organizations at risk, but also individuals who work for or benefit from their activity.

I do not believe this consequence was the intent of the drafters of Bill C-293, but it could easily be an unfortunate and undesirable one. Imagine, if you will, that we had to consult with the Mugabe administration in Zimbabwe before flowing cash to humanitarian NGOs seeking to respond to the famine and hunger produced by the oppressive and fascist initiatives of that regime — a regime from which, I point out respectfully to colleagues, this chamber voted unanimously a few days ago to withdraw our diplomatic representation and recognition.

One of the startling conclusions of the Africa report was that Canada, to date, has spent more than \$12 billion on bilateral assistance to sub-Saharan Africa with little in the way of demonstrable results. The report cites a costly and overly bureaucratic system where 80 per cent of our foreign aid staff is not abroad but actually across the river in Gatineau. I quote from the executive summary of the report, which states:

This top-heavy system has perpetuated a situation where our development assistance is slow, inflexible, and unresponsive to conditions on the ground in recipient countries.

I believe that development assistance should reach the people for whom it is intended, rather than being tied up in lengthy procedures in Ottawa. I agreed with this conclusion in the Africa report, and yet I see no remedy whatever for it in Bill C-293.

On the contrary, the bill’s consultation requirements would undoubtedly add layers of bureaucracy into an already well-developed, deep, manifestly bureaucratic system. Moreover, a minister who may well consult — as any minister should — with

NGOs from time to time, if forced by statute to do so, would be paralyzed potentially by those competing for federal or CIDA funding until such time as they were happy with the minister’s plans.

Regardless of whether that minister is a Liberal, New Democrat or Conservative, that minister’s duty is to Parliament, to the public interest broadly defined and, above all, to the people of Canada, and not only to the NGOs seeking funds for their own important and worthwhile activities.

Make no mistake, I welcome, on behalf of my colleagues on this side, the spirit and intent of Bill C-293, but as it stands currently it does not deliver what is required: a clear, focused mandate for Canada’s development assistance program; well-defined accountabilities for those charged with delivering that mandate; and the ability of Canada to work directly with our developing country partners to set an agenda that meets their needs and respects the wishes, desires and trust of the Canadian people.

There is no disagreement on the fundamental principles underlying the proposed legislation. We all agree that poverty reduction should be a driving value, and that poverty reduction entails a commitment to better health and education, the protection and promotion of human rights, environmental sustainability and equality between men and women. However, the aim of poverty reduction, without the ultimate goal of self-sufficiency, is simply more of the same.

I suggested some amendments to the honourable sponsor of the bill. My suggestions were modest. The intent, however, was to bring about a broader consensus, make the bill more manageable and, in my opinion, more likely to become law more quickly. Some of its provisions are actually counterproductive and unhelpful to the issue at hand. It contains mixed messages and does not bring precision or coordination to Canada’s effective distribution of development assistance. Should the bill in its present form become law, it will hamstring the government — any government of any stripe — and actually hamper the distribution of much needed aid to our disadvantaged brothers and sisters by enshrining misplaced obligations into law. I was and still am open to amendments that would do nothing more than improve a bill drafted with the best of intentions and passed in the other place. I ask honourable senators opposite to review this bill with an open mind and give sincere consideration to amending some of its more constraining provisions.

• (1630)

I had sought some commitment from the sponsor of the bill relative to his side’s support for the modest amendments I had suggested. For reasons that I respect he, in his wisdom, indicated that he could not accept any amendments — not some, not few but any amendments. Clearly, despite our desire to be supportive and constructive, the majority appears to have decided to use its numbers to try to ram the bill through in its present substantially flawed form. If it is the prevailing view of the majority, there is not much we can do about it. However, I hope that as a matter of conviction and strategy, we can all work in this place and in committee to improve the bill to make it strong so that it might be quickly sent back to the other place and passed into law as an instrument that will really serve the foreign aid interests of this country, the recipients and the genuine commitment of Canadians

to make a compelling contribution for a world less divided by poverty, less divided by unfairness, and more reflective of the principles and biases that we share as a great country.

Hon. Roméo Antonius Dallaire: Honourable senators, I thank Senator Segal for adding the presentation and the summary of activities that took place behind the scenes to the debate on Bill C-293. Following discussions, it was indicated that the presentation of amendments at committee would be favourable, so I look optimistically to its referral to committee for further study. Perhaps a limit could be placed on the number of amendments. The honourable senator offered two pages of amendments, not just two or three amendments. One can understand that because each of us holds his or her own position.

We want to move the bill rapidly so it can come back a better bill and be agreed to. We have spent a fair amount of time pondering the bill's referral to committee. Is the honourable senator trying to achieve greater clarification of the definition of "reduction of poverty" than is essential?

Reducing poverty means more than simply giving cash to someone in need; it means that you are reducing poverty in the sense of eradicating it, and the only way to eradicate poverty is to build something behind it. Certainly, the context of poverty reduction, as the Millennium Project at the UN indicated, is to build capacity and not simply throw money at the problem. Would the honourable senator agree?

Senator Segal: Honourable senators, parenthetically it is my understanding that the leadership of our side and the leadership on the other side have agreed that the matter would proceed to committee. I am supportive of that agreement and hope that great work can be done in a constructive spirit in committee when that transpires.

Perhaps I was naive in suggesting that if I were to put forward a series of minor amendments, in my view, I might expect from the other side a response declaring the amendments acceptable or not acceptable. That would begin a process for joint sponsorship. For reasons that the honourable senator understands and that I respect, his answer was that none of the suggested amendments were acceptable at the time in that context. That is why the bill, in its current circumstance, is ready to be referred to committee.

The Standing Senate Committee on Foreign Affairs and International Trade spent a great deal of time on the issue as it relates to simple poverty reduction versus self-sufficiency, job-creation and putting the tools on the table for economic improvement. In that respect, I recall the views of the former Deputy Chair Senator Di Nino, that we had an obligation to our African brothers and sisters to be clear about job creation. On more than one occasion, witnesses said to the committee that they do not want aid but they want trade. They want the chance to expand their economic well-being to generate their own economic well-being.

The problem with poverty reduction is that it gets tied up with relief and short-term measures, not with structured, job creation and capacity investment over time. When such a term is found in proposed legislation, then the drafting of the regulations and specifications on what it actually means is left, essentially, to the bureaucrats. It is my view that this place, in committee and in

the chamber, should define poverty reduction. My bet is that the definition would not be much different from the definition from the House. However, unless it is dealt with, this place will be handing the pen to the same bureaucrats whose effectiveness, not their good faith and hard work, we have already questioned in terms of the existing progress.

Hon. Consiglio Di Nino: Honourable senators, I would like to ask a question if the honourable senator would accept one.

Senator Segal: Yes, by all means.

Senator Di Nino: I thank Senator Segal for referring to my role in the report entitled, *Overcoming 40 Years of Failure: A New Roadmap for Sub-Saharan Africa*. Members of the committee gave much thought to the title of that report and those who have had an opportunity to look at the report will notice that we often use terms such as "aid creates dependency" and "aid enslaves."

I am concerned with that general philosophy, which can be found in Bill C-293, which is The bill is nothing more than a continuation of 40 years of failure whereby some U.S. \$700 billion has been spent in contributions and aid to Africa. Many Africans believe that the contributions are nothing more than a continuation of the colonization process that took place over so many decades.

With my limited exposure and knowledge of the bill, am I correct in assuming that this bill is truly nothing more than a continuation of four decades of failures?

Senator Segal: I thank the honourable senator for the question. I would say that to be fair to our colleagues in the other place that is not their intent. I believe their intent was to construct a framework of accountability for CIDA that would allow NGOs, parliamentarians and others to engage more fully, annually and directly with CIDA's level of success and failure. Not every program launched by CIDA can be a success because they are taking risks in support of appropriate goals, we hope. The purpose of Bill C-293 as conceived in the other place is to increase the accountability and the engagement so that one can intervene to recommend substantial change where failure is apparent, consistent and ongoing.

The way in which the bill was drafted does not achieve that. I would hope that should the Senate in its wisdom refer the bill to the Standing Senate Committee on Foreign Affairs and International Trade that under the honourable senator's distinguished leadership, both sides can work to improve the bill.

• (1640)

Hon. A. Raynell Andreychuk: As Senator Segal knows, the report of the Standing Senate Committee on Foreign Affairs and International Trade was not unanimous; some of us dissented. He has suggested that some of the findings in that committee report lead naturally into this bill.

Would it not be correct to say that the Standing Senate Committee on Foreign Affairs and International Trade did not announce that it was doing an evaluation of CIDA, did not systematically look at the workings of CIDA, but rather studied various aspects of Africa but not particularly the positives and negatives of CIDA's operation?

Senator Segal: Honourable senators, in referring to the committee report I did say that while there was consensus on the core findings, it was not unanimous. I said that in order to show respect for Senator Andreychuk's concerns and those of Senator De Bané's, which have been expressed before and I expect will be addressed in this place when the report is considered at the appropriate time.

Having looked at Africa specifically, having visited Africa on several occasions and having met with 400 witnesses in 80 different locations, the broad conclusion of the committee, although not unanimous, was that CIDA per se was not effective in its work and was not achieving its goals. We concluded that foreign aid from other places was also not being effective, but we focused primarily on CIDA. Our recommendation, while paying great respect to the hard-working people at CIDA and their great work, was that there is a need to look at the structure of the organization to determine whether it is effective. We concluded that if we determined that it was not, it should be replaced by an Africa office that would have aid, trade and security all in one place. If the conclusion of the committee was that CIDA could be the best instrument, we determined that there should be a new governance process for it.

I would argue that neither of those concerns is in any way addressed directly in this bill. In fact, to the extent that the existing structure is kept in place and added to by further bureaucracy, Bill C-293 would actually, I suggest with respect, make the situation worse.

Senator Andreychuk: Would it not, therefore, be the appropriate time for the Standing Senate Committee on Foreign Affairs and International Trade, which has done already some work on Africa — although CIDA by no means works only in Africa — to evaluate CIDA, to determine whether this bill is workable, whether it supports democratic action by parliamentary scrutiny and whether it contains the right checks on accountability? Would this not be a good opportunity to study CIDA more thoroughly and systematically in reference to this framework legislation?

Senator Segal: Honourable senators, as the junior member of that committee, I would be delighted if that was part of the discussion, but that is for the committee to decide. I would certainly not object to having Bill C-293 dealt with in the context of that broader study, which would be very much in the interests of foreign aid and Canada.

Hon. Pierre De Bané: Honourable senators, I thank Senator Segal for having said that not all members of the Standing Senate Committee on Foreign Affairs and International Trade agreed with the report that was formulated under his chairmanship.

Senator Segal alluded to the fact that Canada spent \$12 billion in Africa. Senator Di Nino alluded to the fact that the international community has invested over \$700 billion in Africa. The Senate of Canada issued a report saying that the whole world, all the donor countries, have failed in Africa. They have succeeded elsewhere — in Asia, in Latin America, in Eastern Europe — but have failed in Africa, and we, 12 senators of the Senate of Canada, demonstrate how to do things. I respectfully beg to differ with such an opinion.

I have been a member of that committee and know what has been going on. Senator Segal reminded us that, irrespective of the amount of money put into Zimbabwe, with a thug like Mugabe there is no way to succeed. If some countries in Africa, such as Botswana, Uganda, Ghana, Mozambique and Mauritius are extraordinarily successful, it is because they have decided it is time to put their houses in order and not to say what the donor countries want to hear and then do exactly the opposite.

There has been extensive writing on the topic of why foreign aid has not been working in Africa. Please do not blame Canada for 40 years of failure. It is not only Canada, but also the whole world has worked there and has failed totally.

I cannot be part of such a pretentious stance to say that we will show you the road map to success on this.

Senator Segal: Honourable senators, I detect a question in that and I will do my best to respond.

[Translation]

Honourable senators, with all due respect I will answer directly. I do not dispute those who consider the report on Africa to be bold. It has been said that in the history of the world, being bold is a good thing. The fact that some countries succeed and others do not, the issue of lack of corruption, democratic progress that underlies the conditions of certain success, are things that were raised by our committee when we were looking at the Africa issue, but we have not addressed these things at all. I respectfully point to the bill before us this afternoon. That is the problem. I hope that in committee we will have the opportunity to improve it so that the honourable senator's comments are respected after second reading of this bill.

Hon. Eymard G. Corbin: I want to commend Senator Segal for his remarks. I subscribe to a number of the criticisms and comments he made. I will not be making a speech of my own. However, I would like to ask him whether the government he supports is in the process of conducting a review — not just an administrative one — of CIDA, and whether it is looking into how CIDA could be modernized in order to respond to the real challenges of sub-Saharan Africa, as he said so well in his speech. If the government is currently conducting this review, when could we expect to receive a bill on the matter?

• (1650)

Senator Segal: Honourable senators, I would like to thank Senator Corbin for his direct and precise question. I do not have the right to offer an opinion on behalf of the government except to say that I would be most supportive of the proposition advanced by Senator Corbin. I would be delighted to collaborate on an in-depth review of this proposal by a committee.

[English]

Unfortunately, I do not have the right to offer an opinion on behalf of the government except to say that I would support the proposition advanced by Senator Corbin, should the committee in its wisdom make that proposal for the consideration of the government.

Senator Tardif: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read a third time?

On motion of Senator Dallaire, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study on such issues that may arise from time to time relating to foreign relations generally), presented in the Senate on May 17, 2007.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[*Translation*]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Official Languages entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*, presented in the Senate on May 17, 2007.—(*Honourable Senator Chaput*)

Hon. Maria Chaput moved the adoption of the report.

Motion agreed to and report adopted.

[*English*]

ELECTED SENATE

PROPOSED MODEL—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hays, calling the attention of the Senate to the issue of developing a model for a modern elected Senate, a matter raised in the First Report of the Special Senate Committee on Senate Reform.—(*Honourable Senator Fraser*)

Hon. Joan Fraser: Honourable senators, this item is at day 13 and it is standing in my name. As many honourable senators probably know, Senator Hays this morning presented to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament an extraordinarily thoughtful and detailed paper on Senate reform. I knew this presentation was coming and delayed speaking until he presented it to the Rules Committee, which he did ably this morning. Before I speak to this motion, I need a bit of time to digest the many points he made. I wish to speak to it, but while I am collecting my thoughts properly I would like to move the adjournment for the balance of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Fraser, debate adjourned.

QUESTION OF PRIVILEGE

MOTION TO REFER TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

The Honourable Senator Tkachuk moved, seconded by the Honourable Senator Angus:

That all matters relating to this question of privilege, including the issues raised by the timing and process of the May 15, 2007 meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources and their effect on the rights and privileges of Senators, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report; and

That the Committee consider both the written and oral record of the proceedings.

Hon. David Tkachuk moved the motion standing in his name.

He said: The Speaker has ruled that there is a *prima facie* question of privilege and the events are not in dispute. The effect was that my colleagues and I were deprived of my right to participate in a discussion, to propose amendments and to vote. There is no doubt that it was done intentionally. It was my opinion that this intent makes that violation that much worse.

If honourable senators were to consider the situation of a group of people hired to impede senators physically from going to a committee or to the chamber to be present for a vote, there would be no question in anyone's mind that a breach of privilege had occurred.

The effect of what happened at the Standing Senate Committee on Energy, the Environment and Natural Resources is exactly the same. No physical coercion was involved, but privilege was breached in the same way. I was prevented from voting, and it was done intentionally.

Honourable senators, to go back to the debates we had on this matter on May 17, Senator Banks admits to that. He claims — I paraphrase him but I believe I am accurate — that because we used the procedural rule to delay the meeting from taking place at the prescribed time, he had a right to do what he did, namely, to call that meeting because we had used what he called a clever ploy to delay the meeting from taking place.

• (1700)

Senator Banks confused what we were doing as a minority, which was using the rules to perhaps delay the process. No one was taking away any right or privilege of a senator. We are often inconvenienced in this place. All we were doing was perhaps causing members to be slightly inconvenienced because the majority the previous week had demanded and used their majority to force the clause-by-clause consideration of the bill for that evening at 5:30.

What the chair did, in turn, was take away the rights that I talked about in the previous debate when I brought this matter forward. He took away my right to be at that meeting. My name is not on the record there, and neither is that of any Conservative senator. We were not allowed to vote. We were not able to move amendments.

Senator Banks, later in his discussion, admitted to the fact that he deliberately did this as sort of a tit for tat. “You inconvenienced me, so I will take away your votes because I am the majority and bigger than you are.” He then went on to say that, as he took away my rights and privileges that, perhaps, we almost deserved it.

Actually, he could have called that meeting for 9 o’clock, if we had carried the bells that long. We thought of it a little late and were not able to get quorum. We were embarrassed by it, but that is all. We would have had that meeting. When that happened, we would have all gone to the meeting, whether it was at 9, 10 or 11 o’clock. At any time that meeting could have taken place, and we all would have been there. We all had the right to attend and make amendments and move motions.

The honourable senator goes on to say that we have the right to do that here, at third reading. Of course we do, and we had the right to do it in committee. We had the right to do it in committee as well.

Senator Banks did not protect my rights, which as chair was his duty and his responsibility. He acted to take away my rights. He acted deliberately to take away my rights and then admitted to that in the debate.

I would hope that the committee to which we are referring this matter will give this matter the serious consideration that it deserves. Should it be the decision of the chamber today to adopt the motion proposed, the committee will have an opportunity to review everything that occurred. At the end of the day, I would

hope that the committee would offer something more than pious words and that it will find a way to provide real redress for the wrong that has occurred.

My view is that the proper resolution of this issue is simple: The meeting of the committee ought to be declared null and void. The report should be deemed not to have been made. The Standing Senate Committee on Energy, the Environment and Natural Resources should be required to do what it was charged to do, which is to examine the bill.

For those honourable senators who were not able to attend the meetings of the committee, I should note that some of the witnesses who had agreed to come back to the committee and provide additional materials and proposals to improve the bill did so. The chair circulated these documents but did not have the courtesy to thank these witnesses for their efforts during the course of the two-minute meeting. This is a standard of treatment that we should find unacceptable.

Although I doubt that the committee can do better than the suggestion that I make, namely declaring the proceedings null and void and therefore providing real redress and allowing us to participate in the committee and to vote and restoring our rights and my rights, I think the minimum that should be done by this chamber is to pass this motion to allow the Rules Committee to examine everything pertaining to this situation and report back to this chamber expeditiously.

Hon. Joan Fraser: Honourable senators, this is a most unusual case. Senator Tkachuk’s very interesting remarks have only made it more unusual.

His Honour’s ruling, as I read it, confirms that the meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources that is the subject under discussion was in order. He then goes on, however, to discuss matters of privilege, in spite of having found that the meeting was in order. It seems to me that a fair and accurate resumé of his argument would be, “I will not rule on this. The Senate will decide.” He says at the end, “The matter remains in the hands of the Senate. Senators will now have the opportunity to debate whether this matter should be pursued further. This ruling does not establish that Senator Tkachuk’s privileges were breached, nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.”

I am rising to argue that the decision of the Senate, in fact, should be to reject or defeat Senator Tkachuk’s motion.

I think I understand why Senator Tkachuk is making this motion — indeed, why he raised the initial question of privilege. However, as some of us argued at the time, what was really at issue there, if one comes right down to it, was not a true breach of privilege because the meeting was in order. The holding of the meeting was in order. This was a complaint and, in many ways, an understandable complaint. I observed in the initial debate on this matter that our rules do not say that committee meetings may not be held until a certain period of time elapses after the Senate rises, and I would pick up on Senator Carstairs’ notion that perhaps our rules should say that. I think it would be very useful for the Rules Committee to examine that particular proposition.

In this case, Senator Tkachuk is actually proposing — his motion does not say so, but he has just explained to us that this is what he wants — for the Rules Committee to overturn a decision of the Energy Committee that was in order. The meeting was in order.

This strikes me as a peculiar and very dangerous way to proceed. Committees are masters of their own destiny. We do not have in this place a habit of instructing or even allowing one committee to overturn the work of another committee when that work has been done in accordance with the *Rules of the Senate*. The work of the Standing Senate Committee on Energy, the Environment and Natural Resources was done in accordance with the rules of the Senate. It is inconceivable to me that we should then think it appropriate for a second committee to say, retroactively, “We do not care if it was within the rules. We will overturn that work anyway.” That is a recipe for mass paralysis. It is a precedent that would come back to haunt us in ways that we cannot even begin to imagine.

Senator Mahovlich: Chaos.

Senator Fraser: It is simply, in my view, honourable senators, an extremely dangerous and unacceptable proposition.

Therefore, I find myself constrained to argue that the Speaker has asked this Senate chamber to consider whether, in fact, we think there was an actual breach of privilege, and I do not believe that there was. There may have been a lack of courtesy, and we may be in an appropriate position to address ways to avoid such lack of courtesy on both sides in the future, but I do not believe that privileges have been breached and I certainly do not believe that it would be appropriate to ask the Rules Committee, of which I am a member, to do what Senator Tkachuk wants it to do. I urge honourable senators to reject this motion.

• (1710)

Hon. W. David Angus: Honourable senators, I rise to speak in support of the Honourable Senator Tkachuk's motion. Senator Fraser referred to this motion, if I heard her correctly, as a most unusual case. I think it might be more appropriate to say that it is a most troubling and regrettable case, and I deplore the whole circumstance.

I, too, as I said in my senator's statement, which was the subject of one of His Honour's ruling, considered my rights as a senator to have been violated, and indicated that I would participate along with my other colleague, Senator Cochrane, in the redress that was being sought by way of Senator Tkachuk's question of privilege.

As I understand it, His Honour has already ruled on the issue of whether there was a question of privilege. He has ruled today, eloquently, that there is a *prima facie* case for the question of privilege that Senator Tkachuk made and that the four conditions have been all well and truly met. With all due respect to my good colleague from Montreal, the honourable senator was arguing points that should have been argued at the time the question of privilege was debated.

In any event, I am here to speak to this motion because I feel that my rights as a senator were violated. Now that His Honour has agreed, we should have some form of remedy. I feel my rights

were violated because I had gone to room 257 in the East Block at 5:30, which was when we were summoned for the meeting of the committee for 5:30 or at such time as the Senate would no longer be sitting. I joined colleagues at the table where dinner was served and I was as surprised as everyone else when the bells started to ring.

I came to the chamber and the rest is history. I also was amongst those who were running back to the committee room when the time came, only to be met with light-hearted derision, if I can put it that way, by senators opposite, who said the meeting was over and asked where we were going now to celebrate.

I did not have an opportunity, nor did Senator Tkachuk or Senator Cochrane, to be at the meeting that was dealing with the bill, to vote at the meeting, to propose amendments at the meeting and, most important, to participate in a debate on the substance of the bill, which we had studied over a period of time in pursuance of our duty to review this legislation.

As I said in my senator's statement, many of us had worked over that previous weekend. We hoped to be able to convince the chair that we should continue with other witnesses.

Hon. Anne C. Cools: On a point of order, Your Honour, the issue before us is a motion, not the subject matter of the bill that was before the committee at the time. I think that we should stay on the question which is before us, which is Senator Tkachuk's motion. The honourable senator is speaking on the substance of Bill C-288.

Senator Angus: I am not speaking on the substance of the bill. I will do that if we are given another opportunity.

May I proceed?

The Hon. the Speaker: Yes.

Senator Angus: Thank you.

Honourable senators, we were ready with these amendments. In terms of our rights being violated, we had done all that work. We were ready in good faith to proceed, but we were unable to do so. I submit, honourable senators, that this issue is so troubling because it goes beyond the individual denial on the principles of natural justice and our rights as individual senators. I believe what happened constitutes an abuse of the process of the Senate itself.

What took place — and it is all now a matter of record — was speedy and stealthy, and it denied the opportunity for senators to carry out their duty: their role of conducting a full review of sober second thought of this legislation. We had not finished our job and I think we should finish our job.

I read the transcript of arguments that were made the week before the break. I was not in the chamber. I do not want to nitpick as to whether I agree with everything that some senators, including Senator Banks, said but I deplore it, and I needed to go on the record. My policy adviser called me in Montreal terribly distraught when she heard her name being bandied about in the Senate when there was a reading into the record of various exchanges between the clerk of the committee in question and

various assistants. I do not think that is necessary in this place and I consider that as well to be an abuse of the process and all part of this mess.

I am prepared, honourable senators, if you all agree, that we should put matters back. We should go back to square one. Senator Tkachuk has asked for a remedy. We should short-circuit the committee that Senator Fraser says does not want to deal with this matter and, as a Committee of the Whole, we should deal with this matter. We should say, "Let us undo this travesty of events and let bygones be bygones." Let us start talking again, Senator Banks, and let us return this issue back to where we were at 5:30 on Tuesday, May, whatever it was — May 22. That would be my suggestion. Then we can carry on and have a fair and just discussion on what was stated.

Today, Senator Mitchell was able to give his view of what happened, although I am not sure that he fully told the story. However, we need to debate it in the committee as is customary and then follow the normal procedures and come back with a report in which everyone has participated.

Honourable senators, that is all I have to say on this matter. That would be a practical, fair and just conclusion to a sad story, and we can all continue with life in a good mood and in a good spirit, which I hope we all prefer to do.

The Hon. the Speaker: I see two honourable senators standing. We should follow the tradition of going back and forth, so Senator Tardif.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, given that the Speaker of the Senate has stated in his ruling:

This ruling does not establish that Senator Tkachuk's privileges were breached. Nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.

That having been said, I would like to reflect on this, therefore I move the adjournment of the debate.

Hon. Hugh Segal: Honourable senators, I have a point of order.

The Hon. the Speaker: We had an indication from Senator Cools that she will move the adjournment of the debate and, pursuant to our practice, the Honourable Senator Cools and other honourable senators want to speak now so she yielded as it were. Senator Segal has the floor.

Senator Cools: There is a motion before us. I acceded.

Senator Tardif: I put a motion, honourable senators.

Senator Stratton: No, no, there was a previous one by Senator Cools.

Senator Cools: I made a motion, too, but it was ignored. That is not unusual. However, should I push it, then?

The Hon. the Speaker: Honourable senators, order.

Senator Tardif: In that case, I reserve the balance of my time.

• (1720)

The Hon. the Speaker: Honourable senators, when an honourable senator indicates that he or she wishes to move the adjournment of the debate and they see that another honourable senator wishes to speak on that matter, our practice has been that — and I do not like to use the term — the senator who has indicated that they will take the adjournment of the debate yields so that the other senator can speak.

Therefore, I thought we were at the position where Senator Cools had indicated that she would take the adjournment of the debate. Others rose and she indicated that others wished to speak. My obligation, it seems to me, when it comes to a motion to adjourn the debate, —

Senator Cools: I move the adjournment of the debate.

Senator Oliver: What about Senator Segal who wants to speak?

Senator Corbin: How many more speakers do we have?

Senator Cools: Put the motion.

Senator Stratton: There are two other people that want to speak.

The Hon. the Speaker: I have explained what the practice has been. It seems to me what I am hearing is that if a motion to adjourn is being insisted upon, I have no alternative but to do that.

My only question now is this: Do I recognize Senator Tardif, who indicated she wanted to move the adjournment of the debate or do I recognize Senator Cools, who said, notwithstanding the practice, that she wished to move the adjournment of the debate, or does it matter?

The Deputy Leader of the Opposition is recognized for purposes of the adjournment motion.

Senator Tardif: I propose the adjournment of the debate.

The Hon. the Speaker: Senator Tardif has moved that further debate on this item be continued to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion please signify by saying yea?

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed signify by saying nay.

Some Hon. Senators: Nay.

Some Hon. Senators: On division.

Senator Cools: No, His Honour has not pronounced.

The Hon. the Speaker: In my opinion the nays have it.

Some Hon. Senators: Shame!

The Hon. the Speaker: I will try it one more time, honourable senators, for greater clarity.

All those in favour of the motion to adjourn the debate moved by Senator Tardif, seconded by Senator Cowan that further debate in this item, Senator Tkachuk's motion, be continued at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yea.

The Hon. the Speaker: Shall the motion carry on division?

Senator Cools: No.

Some Hon. Senators: Yes.

On motion of Senator Tardif, debate adjourned, on division.

The Senate adjourned until Wednesday, May 30, at 1:30 p.m.

Appendix

Eligible Vehicles for the Vehicle Efficiency Incentive

| MANUFACTURER | MODEL | ENGINE SIZE (L) | NUMBER OF CYLINDERS | TRANSMISSION | COMBINED FUEL CONSUMPTION (L/100 KM) | REBATE AMOUNT |
|------------------|-------------------------------------|-----------------|---------------------|--------------------------------------|--------------------------------------|---------------|
| TOYOTA | PRIUS | 1.5 | 4 | Continuously Variable Transmission | 4.1 | \$2,000 |
| HONDA | CIVIC HYBRID | 1.3 | 4 | Continuously Variable Transmission | 4.5 | \$2,000 |
| TOYOTA | CAMRY HYBRID | 2.4 | 4 | Continuously Variable Transmission | 5.7 | \$1,500 |
| NISSAN | ALTIMA HYBRID | 2.5 | 4 | Continuously Variable Transmission | 5.8 | \$1,500 |
| TOYOTA | COROLLA | 1.8 | 4 | 5-Speed Manual | 6.3 | \$1,000 |
| TOYOTA | YARIS (HATCHBACK/SEDAN) | 1.5 | 4 | 5-Speed Manual | 6.3 | \$1,000 |
| TOYOTA | YARIS (HATCHBACK/SEDAN) | 1.5 | 4 | 4-Speed Automatic | 6.4 | \$1,000 |
| MINI | COOPER | 1.6 | 4 | 6-Speed Manual | 6.5 | \$1,000 |
| FORD | ESCAPE HEV | 2.3 | 4 | Continuously Variable Transmission | 6.6 | \$2,000 |
| FORD | ESCAPE HEV 4x4 | 2.3 | 4 | Continuously Variable Transmission | 7.4 | \$1,500 |
| SATURN | VUE HYBRID | 2.4 | 4 | 4-Speed Automatic | 7.9 | \$1,000 |
| LEXUS | RX 400H 4x4 | 3.3 | 6 | Continuously Variable Transmission | 7.9 | \$1,000 |
| TOYOTA | HIGHLANDER HYBRID 4x4 | 3.3 | 6 | Continuously Variable Transmission | 7.9 | \$1,000 |
| JEEP | COMPASS | 2.4 | 4 | 5-Speed Manual | 8.2 | \$1,000 |
| JEEP | PATRIOT | 2.4 | 4 | 5-Speed Manual | 8.2 | \$1,000 |
| JEEP | COMPASS | 2.0 | 4 | Continuously Variable Transmission | 8.3 | \$1,000 |
| JEEP | PATRIOT | 2.0 | 4 | Continuously Variable Transmission | 8.3 | \$1,000 |
| GENERAL MOTORS | CHEVROLET IMPALA FFV | 3.5 | 6 | 4-Speed Automatic | 12.3 (E85) | \$1,000 |
| GENERAL MOTORS | CHEVROLET MONTE CARLO FFV | 3.5 | 6 | 4-Speed Automatic | 12.3 (E85) | \$1,000 |
| DAIMLER/CHRYSLER | SEBRING FFV | 2.7 | 6 | 4-Speed Automatic | 13 (E85) | \$1,000 |
| DAIMLER/CHRYSLER | SEBRING FFV | 2.7 | 6 | 4-Speed Automatic with Manual Mode | 13 (E85) | \$1,000 |
| TOYOTA | PRIUS | 1.5 | 4 | Continuously Variable Transmission | 4.1 | \$2,000 |
| MERCEDES-BENZ | SMART FORTWO CDI COUPE (DIESEL) | 0.8 | 3 | 6-Speed Manual | 4.2 | \$2,000 |
| MERCEDES-BENZ | SMART FORTWO CDI CABRIOLET (DIESEL) | 0.8 | 3 | 6-Speed Manual | 4.2 | \$2,000 |
| HONDA | CIVIC HYBRID | 1.3 | 4 | Continuously Variable Transmission | 4.5 | \$2,000 |
| VOLKSWAGEN | GOLF TDI (DIESEL) | 1.9 | 4 | 5-Speed Manual | 5.5 | \$2,000 |
| VOLKSWAGEN | NEW BEETLE TDI (DIESEL) | 1.9 | 4 | 5-Speed Manual | 5.5 | \$2,000 |
| VOLKSWAGEN | JETTA TDI (DIESEL) | 1.9 | 4 | 5-Speed Manual | 5.9 | \$1,500 |
| VOLKSWAGEN | JETTA WAGON TDI (DIESEL) | 1.9 | 4 | 5-Speed Manual | 5.9 | \$1,500 |
| VOLKSWAGEN | JETTA TDI (DIESEL) | 1.9 | 4 | 6-Speed Automatic with Manual Option | 6.0 | \$1,500 |
| VOLKSWAGEN | NEW BEETLE TDI (DIESEL) | 1.9 | 4 | 6-Speed Automatic with Manual Option | 6.0 | \$1,500 |
| LEXUS | RX 400H 4x4 | 3.3 | 6 | Continuously Variable Transmission | 7.8 | \$1,500 |
| TOYOTA | HIGHLANDER HYBRID 4x4 | 3.3 | 6 | Continuously Variable Transmission | 7.8 | \$1,500 |
| TOYOTA | YARIS | 1.5 | 4 | 5-Speed Manual | 6.3 | \$1,000 |
| TOYOTA | YARIS | 1.5 | 4 | 4-Speed Automatic | 6.5 | \$1,000 |
| TOYOTA | COROLLA | 1.8 | 4 | 5-Speed Manual | 6.3 | \$1,000 |
| VOLKSWAGEN | GOLF TDI (DIESEL) | 1.9 | 4 | 5-Speed Automatic with Manual Option | 6.4 | \$1,000 |
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2007 Model Year

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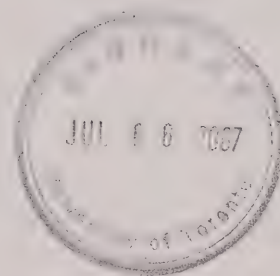
• VOLUME 143

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 30, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
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THE SENATE

Wednesday, May 30, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

PAGES EXCHANGE PROGRAM WITH LEGISLATIVE ASSEMBLY OF ALBERTA

The Hon. the Speaker: Honourable senators, just before I call for Senators' Statements, I would like to introduce two visiting, very special pages, who are on exchange from the Legislative Assembly of Alberta.

On my left is Robyn Peters, who was born and raised in Edmonton, Alberta, where she has received a French immersion education since kindergarten. She is currently finishing grade 11 with future hopes of attending law school. Robyn became a page for the Legislative Assembly of Alberta in July 2005 and has since grown to appreciate politics and the Canadian democratic system. She is honoured to be able to participate in this visit to the Senate of Canada.

On my right, Jennifer Huygen is Head Page for the Legislative Assembly of Alberta, where she has served as a page for four years, two of them as Head Page. This fall, she will begin her second year of study towards a degree in political science at the University of Alberta, where she also volunteers as a news writer for the student newspaper, *The Gateway*. Jennifer is a recipient of the Governor General's Academic Medal and a Canadian Millennium Scholarship. She is honoured to participate in this visit to the Senate of Canada.

On behalf of all honourable senators, we welcome our visiting pages from the Legislative Assembly of Alberta to the Senate of Canada.

Until last week, the Distinguished Flying Cross, which is awarded for "an act or acts of valour, courage or devotion to duty performed whilst flying in active operations against the enemy", had not been awarded to a Canadian since the Korean War. Flight Lieutenant Hasler made Canada proud when he received his Distinguished Flying Cross for his part in two extraordinary missions in Helmond province in July last year.

One of the missions for which Flight Lieutenant Hasler was honoured involved flying a Chinook helicopter into the middle of a Taliban firefight in order to rescue wounded soldiers. This risky manoeuvre required him to squeeze the large aircraft between multiple buildings. In Hasler's own words:

It was a site that was surrounded by buildings on all three sides and we had to land with one of the front blades overlapping one of these one-storey buildings, on our back wheels with our front wheels in the air so we wouldn't hit it.

One can only imagine the amount of skill required to manoeuvre an enormous Chinook helicopter in such a delicate manner.

The other mission occurred about one week later and involved a night insertion into a dried up river bed. Flight Lieutenant Hasler again performed exceptionally as his helicopter came under heavy fire from nine or ten enemy positions as he delivered troop reinforcements and supplies. According to Hasler, as he watched in his night vision goggles, everything from small arms to rocket propelled grenades to heavy machine gun fire whizzed by his aircraft from all directions.

As a result of Flight Lieutenant Hasler's outstanding courage during both of these extraordinary missions, he was deservedly awarded the Distinguished Flying Cross.

[Translation]

Honourable senators, these were amazing acts of bravery and all Canadians are very proud of him. The presence of Canadians in Afghanistan makes a big difference, and the actions of Flight Lieutenant Hasler are an inspiration to members of the Canadian Armed Forces stationed in peacekeeping and peacemaking missions around the world.

[English]

SENATORS' STATEMENTS

FLIGHT LIEUTENANT CHRIS HASLER

CONGRATULATIONS ON RECEIVING DISTINGUISHED FLYING CROSS

Hon. Michael A. Meighen: Honourable senators, last week Flight Lieutenant Chris Hasler, a Canadian serving in the Royal Air Force, was recognized for his heroic acts of bravery while serving in Afghanistan.

Flight Lieutenant Hasler was born in Jasper, Alberta and raised in Halifax, Nova Scotia. He studied at Mount Allison University in New Brunswick before applying to the Royal Air Force as a Commonwealth citizen where he has served since 2000.

LABOUR

CONTRACT NEGOTIATIONS BETWEEN PUBLIC SERVICE ALLIANCE OF CANADA AND HOUSE OF COMMONS

Hon. Jim Munson: Honourable senators, I rise today to speak in support of individuals that we on Parliament Hill see and interact with every day. I talk about the people who cook and serve our meals; people who provide transportation; the people who clean and maintain all the facilities; the people who record and maintain transcripts of proceedings; people who provide services not only to us, but also to members of the other place and by extension all Canadians.

Normally we do not discuss internal labour relations in this chamber, but what has come to light over the course of labour negotiations currently taking place between the Public Service Alliance of Canada and the House of Commons administration is that many of the people we interact with everyday on the Hill are denied the fundamental rights afforded working Canadians across the country.

At present, many employees working in the Parliamentary restaurant, printing services and reporting and text processing services have virtually no job security to speak of. They are sent home to collect Employment Insurance, often for months on end, with no warning. Their working hours are regularly cut with no warning. In fact, many have no work schedules whatsoever and are informed the day before, or in some cases the day of, whether or not they will be working.

What is worse, there are no objective, transparent processes with respect to how hours of work are allocated. There is, at present, no clear mechanism via which these employees might gain access to full-time jobs and, as a result, there are employees in some cases with over 10 years of service on Parliament Hill who have never been offered the opportunity to become full-time employees.

• (1340)

These conditions are unfair and entirely unbecoming of institutions such as the House of Commons and the Senate. In fact, the conditions I have described are, quite frankly, unconscionable. Employees of the Parliament of Canada deserve better.

Employees and their union have been asking the administration of the House of Commons for a clear, transparent process of recognized years of service with respect to how working hours are allocated; for the House to extend the employment security commitment it has already made to some of its employees to all of its employees; for the House to make every reasonable effort to ensure that there is no work to do on the Hill before employees are sent home each summer to collect EI; and for employees to be given reasonable notice as to when they will be working.

What these employees are asking for is standard in the private sector, standard in the public sector and, in many cases, standard on Parliament Hill. I believe that these employees, friends and colleagues — people we see every day — and their families deserve some predictability and stability in their working lives and that their years of service to us should be recognized.

The House of Commons Board of Internal Economy is meeting early next week prior to further negotiations. I urge honourable senators to join me in calling on the House of Commons Board of Internal Economy to ensure that employees be provided working conditions that, at the very least, meet the standards of workers in both the private and public sectors and that fair and objective standards that recognize years of service be applied to all employees.

It is all too easy to take the people around us, who help us and provide us with important services, for granted. This we must not do. I hope honourable senators join me in my concern that these colleagues be treated fairly.

[Senator Munson]

THE HONOURABLE R. ROY MCMURTRY

TRIBUTE ON RETIREMENT AS CHIEF JUSTICE OF ONTARIO

Hon. Norman K. Atkins: Honourable senators, I rise today to pay tribute to one of Canada's outstanding individuals, the Honourable R. Roy McMurtry, who is retiring today as Chief Justice of Ontario.

Roy was an excellent athlete and while at the University of Toronto he captained the Varsity Blues football team. He graduated in 1958 from Osgoode Hall Law School and became a young criminal lawyer. While he was at university, he was involved as a teacher-labourer for Frontier College, one of Canada's pioneering institutions in adult education, and he continues to be associated with the college.

Roy McMurtry was elected to the Ontario Legislature in 1975 and was immediately appointed Attorney General in the cabinet of Premier William G. Davis, a post he held until 1985. As well, he was appointed Solicitor General in 1978, a portfolio he held until 1982. During his tenure as Attorney General, he was responsible for introducing and passing more than 50 provincial statutes and for the creation of a bilingual judicial system. In 1982, as a member of then Premier Davis' cabinet, he worked with then Minister of Justice, Jean Chrétien and Roy Romanow, then Attorney General of Saskatchewan. He was intimately involved in the negotiations for the patriation of our Constitution with an entrenched Charter of Rights. He remained in the legislature until 1985, when he was appointed High Commissioner to the United Kingdom by the Right Honourable Brian Mulroney.

On Roy McMurtry's return to Canada in 1988, he resumed the practice of law and was appointed Associate Chief Justice of Ontario, Trial Division, in 1991. He was subsequently promoted to Chief Justice of the Ontario Court of Justice in 1994. In 1996, he was appointed Chief Justice of Ontario by the Right Honourable Jean Chrétien. It is quite remarkable the extent to which he was revered in that role.

Chief Justice McMurtry also served as the Chairman and Chief Executive Officer of the Canadian Football League from 1988 to 1991. He has had an incredible influence not only within the legal community, but also by taking on many challenges and working tirelessly for those who are disadvantaged. He has been involved in quite a number of projects, including Big Brothers, rehabilitation projects for former penitentiary inmates, adult education, senior citizens' housing and multicultural initiatives.

• (1345)

Roy McMurtry was founder and President of the Osgoode Society, established in 1979 for the writing of Canadian legal history. He is the creator and Chair of the Ontario Justice Education Network, which is involved in a number of initiatives related to educating high school students and teachers about the law.

The Chief Justice is also the Chair of the Advisory Committee of Pro Bono Law Ontario, which has initiated programs related to providing pro bono legal services.

It is safe to say that Roy McMurtry will be remembered in history as one of the most outstanding jurists for the province, and he will be truly missed.

• (1350)

[Translation]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to call your attention to the presence in our gallery of the former Senator Jim Tunney and his wife. Welcome back to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Office of the Privacy Commissioner of Canada for the period from January 1 to December 31, 2006, in accordance with the Personal Information Protection and Electronic Documents Act.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-10, to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

NON-SMOKERS' HEALTH ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-228, to amend the Non-smokers' Health Act.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Harb, bill placed on the Orders of the Day for second reading two days hence.

CANADA-CHINA LEGISLATIVE ASSOCIATION

ANNUAL VISIT OF CO-CHAIRS, MARCH 12 TO 16, 2007—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association regarding its visit to Shanghai, Qingdao and Beijing, China, from March 12 to 16, 2007.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO MANDATE

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on April 26, 2006, the date for the presentation of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources to examine and report on emerging issues related to its mandate be extended from September 1, 2007, to September 1, 2008.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to meet on Monday, June 11, 2007, even though the Senate may then be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to meet on Monday, June 18, 2007, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON MATTERS RELATING TO AFRICA DURING PREVIOUS PARLIAMENTS TO STUDY ON BILL C-293

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Foreign Affairs and International Trade for the special study on Africa, during the First Session of the Thirty-ninth Parliament and the First Session of the Thirty-eighth Parliament, be referred to the Committee for its study on Bill C-293, An Act respecting the provision of development assistance abroad (*Development Assistance Accountability Act*).

QUESTION PERIOD

INTERNATIONAL TRADE

FOREIGN CORPORATE TAKEOVERS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The Conservative government seems to be encouraging the acquisition of large Canadian companies by foreign interests, and stubbornly ignoring the alarm bells being sounded by leaders of the business community.

[English]

Gordon Nixon, CEO of the Royal Bank of Canada said that we have seen not only the disappearance of major Canadian household names, but also the loss of Canadian presence in industries where we have long had traditional strengths.

Dominic D'Alessandro, CEO of Manulife Financial said that people have a child-like belief in the market. They think that the market is efficient; it is not.

• (1355)

[Translation]

He added:

Now big, well-established Canadian companies are being taken over by foreign interests. I sometimes worry that we may all wake up one day and find that as a nation, we have lost control of our affairs.

Yesterday, Laurent Beaudoin, the President and CEO of Bombardier, said:

If, in the end, the government has to intervene, it must do so. We cannot let things go on the way they are going now without being able to protect certain Canadian interests.

[English]

Furthermore, Anne Golden, President and Chief Executive Officer of the Conference Board of Canada, said that "the government might consider modifying the Canada Investment Act to require that foreign governments and firms controlled by foreign governments would be more carefully scrutinized if they invest in Canada." This is not about erecting a protectionist firewall around our country. No one wants that. However, the government has a role to play. Yet, this government seems to think its only role is to get out of the way and do nothing.

[Translation]

Is the Leader of the Government aware that thousands of good jobs are being lost to new head offices? We are losing graduates in the fields of law, accounting, engineering, IT, finance and many others!

[English]

When will this government step up to its job and protect the jobs of our skilful workforce?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors): Honourable senators, this is an issue that has been in the media lately. Indeed, the Leader of the Opposition quotes individuals who are raising red flags when one of those individuals, if memory serves correctly, was recently at the head of a very successful takeover of a company in the United States.

Honourable senators, we live in a global economy. We cannot live in a country surrounded by a snow fence. As indicated in the budget, the government will be soon launching a panel to review Canada's competition policies. In the meantime, the existing laws and policies remain in place. The government recognizes that our marketplace policies must be world class to encourage firms to invest in the people and capital vital to our dynamic Canadian economy, but I wish to point out that StatsCan reported on May 9 that Canadian direct investment abroad increased 13.8 per cent in 2006 over 2005, a gain of about \$63 billion, for a total of \$523 billion. As well, analysis by KPMG issued on May 10 has shown that there have been more Canadian acquisitions of foreign companies than foreign acquisitions of Canadian firms in each of the past two years.

Senator Hervieux-Payette: Honourable senators, obviously we do not read the same reports. Actually, there is a three-to-one acquisition in favour of foreign ownership.

I wish to remind the honourable senator that in December 1989, the Pennsylvania Senate voted 45-4 in favour of one of the strongest anti-takeover statutes in the nation. The statute would allow directors to put the interests of other groups like employees, customers and suppliers, above those of shareholders. It would also allow the state to expropriate any

trading profits of shareholders who try to control more than 20 per cent of the votes of a Pennsylvania company through the stock purchase or a proxy contest for two years after the event. The law has put in place a number of obstacles, including making it easier for a target company to use a poison pill defence, which typically involves increasing the number of outstanding shares and to make a buyout more expensive for any would-be acquirer. The law also limits a shareholder's ability to call a special meeting, a tactic used when a company is running a proxy battle to gain control of the board. They also set minimum severance payments and protect labour contracts. Pennsylvania is just one of several states that turned to tougher takeover laws after a wave of hostilities in the 1980s.

I describe Pennsylvania laws today to the minister and the government because a U.S. aluminum company called Alcoa is incorporated in Pennsylvania. If a Canadian aluminum company called Alcan, currently the target of a hostile takeover bid from Alcoa, tried to defend itself by turning the tables with an offer for Alcoa, they would be confronted by tough Pennsylvania anti-takeover laws.

• (1400)

If this government will not listen to the opposition, will they listen to the private sector and develop a strategy to deal with the much-too-frequent disappearance of Canadian companies and act now?

Senator LeBreton: Honourable senators, the Alcan/Alcoa issue has moved on to another level. I read, as a matter of fact, a columnist writing in regard to the Pennsylvania situation.

Honourable senators, with the issue of companies moving around the world, whether it is Canadian companies expressing an interest in taking over foreign companies or vice versa, the government will always act and follow a regimen in the interest of all Canadians.

Several commentators in the economic arena have indicated that the proposals set forward by the Leader of the Opposition in the other place have not been met with a great deal of enthusiasm in the financial world — far from it. There are many examples of Canadian companies that have moved around the world with great success, and they are wonderful success stories. It would be foolish for any country to put walls around itself in a global economy. I believe Canadian companies and Canadians who are either investing abroad or who are the subject of some interest from abroad are very capable of representing themselves. The government will not cause a situation in which Canadians would be harmed in any way.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— SAFETY OF IMPORTS

Hon. Lorna Milne: Honourable senators, yesterday the Honourable Ralph Ferguson, former Minister of Agriculture of Canada, was in the gallery. Since his retirement, he has not been idle. His most recent publication is *The Health of Our Nation Depends on Safe, Wholesome Canadian-Produced Food*. The subtitle is, "Are imported foods safe?" It is a request for an investigation by the Auditor General of Canada.

My question is to the Leader of the Government in the Senate. There is reason for increasing concern about the safety of food being imported into Canada. Recent warnings issued by the Canadian Food Inspection Agency address Dickinson's brand honey coming in from the U.S., which actually comes from China, and is contaminated by chloramphenicol. Cantaloupes from Mexico are infected by salmonella. One can buy nice, white mushrooms from the grocery store that come from China where they are treated with formaldehyde.

Is the government conducting rigorous tests at the border to ensure that food being imported into Canada is banned if it contains chemicals not allowed in food produced in Canada, such as rbST?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): So much for the mushroom and cantaloupe police.

Honourable senators, this is a serious question. I am not privy to the report that the former Minister of Agriculture has written. Canadians have been concerned for some time about pesticides and other chemicals used to preserve food or to remove insects and other pests from our food.

• (1405)

Suffice to say, honourable senators, that the Canadian Food Inspection Agency, the Department of Agriculture and the Ministry of Health are always concerned about issues such as this. I can assure all honourable senators and Senator Milne that the government will continue, as it has in the past, a very judicious review of all of our policies to ensure that food entering Canada is safe for people to consume.

Senator Milne: The truth of the matter is that the Canadian Food Inspection Agency is severely under-manned and under-funded. Will the government implement the recommendations of its own food inspection agency for truth in advertising? For example, the labels "Made in Canada" or "Product of Canada" do not necessarily mean that the item was actually made in Canada or produced in Canada. Food imported in bulk can be repackaged in Canada and then labeled as a product of Canada. These are warnings issued by the Canadian Food Inspection Agency, and I am very concerned about this. Will the government implement these recommendations from its own agency? I would be delighted to have the permission of this chamber to table this report in the Senate.

Some Hon. Senators: Agreed.

Senator LeBreton: Honourable senators, there is no doubt that the government is concerned about issues of food safety and, as a matter of fact, any product entering Canada. The first and foremost concern of the government is the health and safety of Canadians.

I happen to be one of those shoppers who reads labels carefully to see where the food is from. A place in Ottawa called Continental Mushrooms actually grows their own mushrooms, so I know where they come from.

As a matter of fact, in Manotick, Suntech Greenhouses Ltd., grows tomatoes, so I always know the tomatoes are from just up the road. It is a serious issue and I am very concerned about this subject. There are many serious food-borne illnesses from which

Canadians suffer. I will take the specifics of the honourable senator's question as notice and ask for a detailed answer from officials on the implementation of the policies.

Senator Milne: With the permission of the Senate, may I table this document?

Senator LeBreton: Yes.

Some Hon. Senators: Agreed.

Hon. Hugh Segal: Honourable senators, would the Leader of the Government in the Senate, in making those inquiries, also inquire as to whether the Department of Agriculture might consider providing funding for the promotion of local food consumption from local areas produced by local farmers working with our Federation of Agriculture, who are organized right across the country on a county basis, so that Canadians can be aware of where the food is coming from? It may cost a few pennies more, but they have the option of supporting local food producers in our country in our retail stores on an ongoing basis.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, I could not agree more. Most of us who are aware of what we are purchasing manage to educate ourselves. Unfortunately, many people do not have that opportunity. I would be very happy to get an answer from the Department of Agriculture as to whether, in fact, they have a specific program for locally produced or Canadian produced produce.

• (1410)

[Translation]

NATIONAL DEFENCE

FUNERAL EXPENSES FOR FALLEN SOLDIERS

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. A very difficult press conference took place this morning here on the Hill. The family of a Canadian soldier who made the ultimate sacrifice for his country raised the issue of the government covering funeral expenses to pay a final tribute to their son.

I am certain that Senators on both sides of the chamber would like this painful issue for families to be resolved through relevant changes to current policies.

Can the leader assure us that such changes will be made?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As the honourable senator may recall, I am aware of the family in question. I know the mother, Laurie Dinning, quite well. She is involved in the organization Mothers Against Drunk Driving. It is a terrible tragedy that she and her family suffered last year when they lost their son, Matthew.

The government supports, of course, all of our military and we are deeply saddened by the loss of any Canadian Forces member. We are committed to ensuring that the families that have lost loved ones do not suffer undue financial burden.

Since coming to office, we have directed that all reasonable funeral expenses be covered for fallen soldiers. In addition, we are now revamping the Treasury Board guidelines regarding funeral and burial benefits for Canadian Forces members put in place in 1999. We were dealing with existing rules and regulations, and those guidelines that were in place obviously do not provide the funds necessary for these funeral costs.

This morning, before the Dinning family appeared, I understand that both the Chief of the Defence Staff and the Minister of Defence held a press conference, saying they would be meeting the reasonable financial costs of funerals for all fallen soldiers.

THE ENVIRONMENT

HIGH GASOLINE PRICES— MEASURES TO REDUCE FUEL CONSUMPTION

Hon. Ethel Cochrane: Honourable senators, my question is also for the Leader of the Government in the Senate. Last week, the government leader reminded us that under the Liberal environment plan, gas prices would jump by 60 per cent.

Senator Fortier: How can we go on vacation?

Senator Cochrane: I noticed on Monday in the other place that a Liberal member had asked for an emergency debate on gas prices. People in my province today are fuming about gas prices. Today, people in St. John's, Newfoundland are paying more than \$1.22 per litre.

It is interesting, however, that the Liberals are suddenly concerned about gas prices, given that on August 24, 2005, the *Calgary Herald* reported that:

On Tuesday in Regina, Environment Minister Stéphane Dion said high gas prices are actually good for Canada in the medium and long term.

Senator Fortier: He did not say that.

Senator Cochrane: Yes, the *National Post*, on September 1, 2006, a year later, reported:

Mr. Ignatieff is calling for a form of carbon tax that could push up the price of gasoline.

Senator Fortier: I do not believe that. It is not possible.

Senator Cochrane: Could the Leader of the Government in the Senate tell us what steps the government has taken to help Canadians reduce their fuel consumption, which helps not only the environment but consumer pocketbooks as well. What effect will the Liberal plan likely have on energy prices?

[Senator LeBreton]

• (1415)

Senator Fortier: That is a great question.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her thoughtful question. I alluded to this subject yesterday in answer to another question in this place, but the honourable senator is correct that an analysis of the Liberal plan, now in the form of Bill C-288, the Kyoto bill, shows that gas prices would rise 60 per cent above today's prices. That would mean the price of gas would be \$2 a litre. As Senator Cochrane pointed out, that is something that Stéphane Dion at one point reportedly supported. The Kyoto plan would have an impact on other energy prices as well. The price of electricity would rise by 50 per cent and the cost of natural gas would more than double.

The honourable senator's specific question was with respect to what the government is planning to do on the issue of reducing fuel consumption. In response to the honourable senator, we have increased support for public transit, which helps Canadians save on fuel costs; we are investing in a \$2 billion renewable fuel strategy; we are providing the provinces and territories with \$1.5 billion in a clean air trust; and, in the budget, we announced the ecoAUTO Program, which helps Canadians purchase fuel-efficient cars with rebates of up to \$2,000 per vehicle. Our government also helped consumers by reducing the GST from 7 to 6 per cent. Of course, the honourable senator would have noticed the other day that the Honourable John McCallum was saying that if the Liberals were ever to come back into office, they would raise the GST again. These are the same Liberals who in 1993 were going to abolish the GST.

I did notice the contradiction, when the gas prices went up, of everyone screaming about the cost of fuel yet, in the same breath, saying, "Do something about the environment." It is a situation of "but I am not the one that wants to do it," which only proves that Canadians want things done on the environment, they want fuel consumption issues dealt with, but they do not want a resolution to be at the cost of the economy of the country and their jobs.

[Translation]

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. It is a follow-up to Senator Angus' intervention yesterday on the subject of the environment.

Can the minister tell us if it morally better to lose jobs, lose money or lose our grandchildren?

[English]

Senator LeBreton: I thank the honourable senator for the question. Of course, we would not abandon our grandchildren.

Senator Tkachuk: You even have some.

Senator LeBreton: I have some, yes. This government, unlike any previous government, has put together a plan that is fair and balanced, that takes into consideration the necessity to reduce greenhouse gas emissions, that deals with the serious issue of air pollution and that will establish regulations for all industries

across the board. No one is left out. At the same time, the government is doing this in such a way as to not put the country in a severe economic condition whereby, if we were to do that, our grandchildren would suffer if parents and grandparents had no ability to earn an income to provide for their health and education.

• (1420)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

STUDY TO ACCOMMODATE ANCESTRAL LANGUAGES

Hon. Charlie Watt: Honourable senators, I have a question for the Chairman of the Standing Committee on Rules, Procedures and the Rights of Parliament, Senator Keon. This question is in relation to the request made approximately one year ago about providing interpretation services in the chamber and in committee.

I believe my colleague here the dean of the Senate; he is the longest serving senator in this chamber. He deserves to receive an answer, and the matter should not be prolonged any further.

Many days, weeks, and months have past; it has gone beyond one year. I do believe a couple of weeks ago, there was an intention of the committee to travel to Yellowknife. We indicated that was not the place to go, that it would be a waste of money to go to Yellowknife; there is nothing to learn there.

I would also like to say, honourable senators, that we in the Iqaluit area are partially effective because Inuktitut is the first spoken language in the legislative assembly. There you can learn something. The request by Senator Corbin is a practical request, as it does not implicate other languages and require that they be served in the same way. The motion is constructed on an as-needed basis.

Most of you in this chamber have experienced how we conduct ourselves in the chamber and in committee. I heard a young lady on the radio last week talking about Senator Adams. She said that he made many points in the Standing Senate Committee on Fisheries and Oceans. The woman asked if Senator Adams is understood by his colleagues and by the people of Canada.

Knowing this, rather than spending money that will be wasted, can Senator Keon tell me when the committee will come forward with recommendations on this matter, which should be taken care of immediately?

I would also like to say to the Leader of the Opposition that if she would like to intervene in this matter, she is welcome to do so.

Hon. Hugh Segal: How long do we have to be here before these people call Senator LeBreton the Leader of the Government?

Hon. Wilbert J. Keon: Thank you for your question Senator Watt. The committee planned to make a visit to Yellowknife because the Cree people wanted the consideration of having their language translated in the chamber and in committee also. Of course, there was a desire to see how the system functions in

Iqaluit, and the committee is confident that translation services can be made available in Inuktitut with the help of the experts in Iqaluit.

• (1425)

The clerk of the committee, when trying to make arrangements for the visit to Iqaluit and perhaps to Yellowknife, encountered some difficulties with timing. I understand the legislature in Iqaluit will function in June for about one week only and this side in the Senate has a problem with the number of people available to travel during that time.

Committee members would like to see what can be learned by such a visit, but if in the wisdom of people advising us it is determined that it would be better to just get on with the job, I am sure the committee would be open to such advice. I can assure Senator Watt and Senator Adams that the committee is taking the matter seriously and is dealing with it in a positive way to provide appropriate translation services in Inuktitut.

ORDERS OF THE DAY

SALES TAX AMENDMENTS BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. Michael A. Meighen moved second reading of Bill C-40, to amend the Excise Tax Act, the Excise Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other Acts.

He said: Honourable senators, I am pleased to rise today to speak to Bill C-40, to amend the Excise Tax Act, the Excise Tax Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other acts. This bill contains a number of administrative amendments designed to streamline the operation of our sales tax system. I should note at outset that many of the measures in this bill, which, for the most part, are technical in nature, were announced over the past few years. Indeed, many of them had their genesis in the previous government — the old government — but, unfortunately, were never given legislative approval.

Bill C-40 was supported in the other place by the Liberals and the Bloc and was not opposed vigorously by the NDP. Canada's new government is introducing these amendments now to ensure the fairness, efficiency, ease of compliance and administration of the sales tax system. This is an excellent example of cooperation between government and the tax and business communities leading to meaningful legislation.

Indeed, we encourage this dialogue. Before last year's budget, honourable senators will recall that we launched an online consultation process on Finance Canada's website to give

Canadians an opportunity to provide their views to the government during the pre-budget consultation period. Nearly 6,000 Canadians participated in the online consultation process, providing a wide range of responses touching on everything from tax reductions to infrastructure investments.

Again this year, the government looked for ideas and insights from Canadians as it prepared for Budget 2007.

[Translation]

This approach allows all citizens to participate in pre-budget consultations. Thus, taxpayers from all regions of the country can express their opinions. After all, listening is the first step in effective planning. One of our government's objectives is to listen to what Canadians have to say.

Before getting to the heart of the matter, I would like to say a few words about the commitment made by the new government to bringing more fairness to the tax system for all Canadians.

• (1430)

You will see how Bill C-40 contributes to achieving this objective.

Our government is convinced that a fair tax system is required in order to support job creation and to stimulate the economy, and in turn to increase the incentives to work, save and invest.

[English]

A fair tax system begins with tax relief. That is why, in the inaugural budget, our government took decisive action to reduce taxes. We reduced the GST by one percentage point and we will reduce it by a further percentage point.

We cut taxes for families, individuals and businesses, but we did not stop there. Families and businesses still pay too much tax. In Budget 2007, the government continues to reduce the tax burden on Canadians, and we are not about to rest on our laurels. The world is not standing still, honourable senators, and neither are we.

To build toward the future, Canada needs political determination based on the principle of fairness. Fairness is at the heart of this bill before us today.

Honourable senators, Bill C-40 is divided into three parts: Part I implements measures relating to the Goods and Services Tax and Harmonized Sales Tax; Part II contains measures relating to the taxation of wines, spirits and tobacco products; and Part III, the air travellers' security charge.

Starting with amendments to the GST/HST legislation, these measures fall into a number of general categories — for example, health care. I mention this first because health care is of great importance to all Canadians. Canada's new government is committed to providing support to provinces and territories to help ensure that all Canadians have access to timely quality health care. Bill C-40 complements the investments the government has made in helping to ensure that Canadians receive the health services they need.

One such measure in this bill is a proposal to continue indefinitely the current GST/HST exemption for speech language pathology services. The bill also exempts from sales tax any health-related services provided by professional social workers.

These amendments are consistent with the government's policy criteria for inclusion of a particular health care service on the list of those that are GST/HST exempt. That is to say if a service is covered by the health care plan of two or more provinces, it will be exempt from GST/HST in all provinces. In addition, if a profession is regulated as a health profession by at least five provinces, the services of that profession will be exempt from the GST/HST in all provinces.

Bill C-40 ensures consistency in the GST/HST legislation by providing tax-free status to the sales and importations of a blood substitute known as plasma expander. I am sure Senator Keon can enlighten us on that in due course, because I certainly cannot. This measure will afford this product the same GST/HST treatment as that of other blood derivatives.

Again with consistency in our tax system in mind, Bill C-40 ensures the government's policy criteria that no sales tax applies to federally regulated drugs that can only be sold to consumers under a prescription. This bill restores the tax-free status in a technical sense to a group of drugs that are commonly used to treat a variety of conditions such as seizure control, anxiety and alcohol withdrawal. Honourable senators, consistency is the name of the game in this bill.

[Translation]

Given the importance of the agricultural sector to our economy, the bill also contains provisions to ensure the uniform application of the sales tax to various products.

As you may know, farmers do not pay GST or HST on a broad range of goods and services that only they use, such as pesticides, feed, bulk fertilizer and certain types of agricultural machinery and equipment.

This list of goods and services has been established in order to help farmers avoid possible cash flow problems that might arise if they had to pay the sales tax at the time of purchase and be reimbursed through input tax credits.

On large purchases, the amount of tax can be very high.

Bill C-40 will ensure the consistent application of GST/HST to various agricultural products that can be purchased, imported and sold by farmers on a tax free basis.

Honourable senators, Canada's new government also recognizes the important role played by small businesses in our economy.

In *Advantage Canada*, the government indicated that it was going to reduce regulatory requirements and red tape to help businesses become more competitive.

Budget 2007 makes good on this commitment by proposing to cut the federal paper burden on small businesses by 20 per cent by November 2008.

In addition, this year's budget alleviates the tax compliance burden on small businesses by reducing the frequency of their tax filings and remittances.

A more competitive business climate will help our businesses prosper on international markets.

Bill C-40 will help reach this goal, because it contains various provisions that streamline or clarify the application of the GST/HST for Canadian businesses.

Bill C-40 also contains miscellaneous housekeeping changes to sales tax legislation that update provisions, correct ambiguities or ensure consistency.

One of these provisions pertains to the rules for applying the harmonized sales tax.

Bill C-40 modifies the new housing rebate for the provincial portion of the HST in Nova Scotia. As announced by the Government of Nova Scotia, this rebate will be targeted to first-time homebuyers and capped at \$1,500.

In short, the provisions of the bill will improve how our sales tax system works.

[English]

Part II of this bill contains measures relating to the taxation of wines, spirits and tobacco products. As honourable senators may recall, a comprehensive review of the federal framework for the taxation of alcohol and tobacco products resulted in new excise legislation in 2001. Not only did this new framework modernize the legislative provisions governing the taxation of spirits, wine and tobacco products, but it also provided administration and enforcement, updated to reflect current industry practices.

There are a host of technical measures being implemented in this particular part of the bill. I have chosen one example from each of the three categories — spirits, wines and tobacco products — to illustrate the intent of Bill C-40.

First, with respect to spirits, the bill amends the framework to allow private laboratories, provincial liquor boards and vintners to possess a still or similar equipment without a licence, and to produce spirits for testing purposes only. Normally, one would need a licence to operate such a still.

For wine, under an administrative practice of the former excise framework, wine licensees could provide samples without the payment of duty if the samples were distributed free of charge to individuals for consumption on those premises. I am sure many senators have attended wine tastings and this is exactly what this provision is designed to cover.

The excise legislation concerning tobacco — which is, of course, of no interest to people in this chamber since no one consumes the dreadful product — is also being amended. One such amendment will implement a minor change to bring the legislation into compliance with specifications of the Framework Convention on

Tobacco Control — an international treaty most of us may not be aware of on tobacco control, sponsored by the World Health Organization, but an important treaty nonetheless.

[Translation]

Part 3 of the bill contains provisions relating to the air travellers security charge. It makes various technical amendments that come mainly as a result of the consultation process with interested parties.

• (1440)

One of these amendments specifies that the charge is not payable for air travel that is donated by an air carrier at no cost to a registered charity.

Of course, the charity must in turn donate the air travel to an individual, in pursuit of its charitable purpose.

This measure will be especially useful to charities like the Children's Wish Foundation, which is dedicated to providing memorable trips for physically, mentally or socially challenged children.

[English]

In closing, honourable senators, the measures contained in Bill C-40 for the most part will merely refine, streamline and clarify the application of our sales tax and our excise tax system. Indeed, many of the clarifications merely put into legislative form what has been the practice.

On the surface, this may not be the most exciting legislation to debate, honourable senators, but it does represent a key component of the government's commitment to ensuring that our tax system is efficient and fair. An efficient and fair tax system will help create a real Canadian tax advantage, setting the stage for economic growth, opportunity and choices for all Canadians.

I encourage all honourable senators to support this bill so that these technical, nonetheless important, measures may be implemented without delay.

On motion of Senator Tardif, debate adjourned.

[Translation]

CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Transport and Communications (Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, with amendments and observations), presented in the Senate on May 17, 2007.

Hon. Lise Bacon moved the adoption of the report.

[Senator Meighen]

She said: Honourable senators, after five sessions of consideration of Bill C-11 and the appearance of many stakeholders, the committee has adopted two amendments.

The first amendment affects clause 27 of the bill, or the provisions on airfare advertising in the media. When the government first drafted clause 27, it gave the Canadian Transportation Agency the responsibility of making regulations on advertising airfares in the media on the recommendation of the Minister of Transport when he deemed it necessary. The regulations could apply to all media, including the Internet, advertising airline services originating in or destined to Canada.

The purpose of this provision was to ensure transparency in the airfare advertised to the consumer.

The House of Commons Standing Committee on Transport, Infrastructure and Communities amended this provision in order for the Agency to have the authority to make airfare advertising regulations without recommendation from the minister.

[English]

When the Standing Senate Committee on Transport and Communications studied the amended bill, it heard from Canada's two largest international air carriers. They expressed their considerable and joint concern that the provision as amended by the House committee would have potentially severe consequences on both airlines' ability to compete for business, both domestically and internationally.

For this reason, this committee added clause 64 to the bill, allowing the Governor-in-Council to postpone the date that the provisions respecting airfare- advertising regulations come into force. This way, the airlines and the government will have the necessary time to ascertain how to avoid any unintended consequences these provisions may have on the airlines' competitiveness.

[Translation]

The second amendment to Bill C-11 is related to noise and vibration caused by railway companies when constructing or operating railways.

During the first reading of Bill C-11 in the House of Commons, a standard applicable to railway companies was added in clause 29: they must make as little noise as possible when the Canadian Transportation Agency is called to investigate a noise complaint.

Bill C-11 gives this new power to the Agency. When investigating a complaint, the Agency must consider the company's obligations to shippers, its operational requirements and the area where the construction or operation takes place.

The House of Commons Standing Committee on Transport, Infrastructure and Communities amended clause 29 to state that railway companies must cause "as little noise and vibration as possible" when constructing or operating a railway. During complaints investigations, the Agency must take the company's obligations, its operational requirements and the potential impact on persons residing in properties adjacent to the railway into account.

[English]

When the Standing Senate Committee on Transport and Communications studied the amended bill, it heard from representatives of Canada's freight railway industry. The witnesses explained that the new standard, for which there is no jurisprudence, could have severe economic consequences for the railways and, in turn, rail shippers and even rail passengers, as there is uncertainty as to how the Canadian Transportation Agency and the courts would interpret it. In addition, the railways noted the obligation that the new standard placed on them exceeded the obligation imposed on the neighbours of the operations.

The committee heard how the railways have moved yards and operations away from residential areas across the country to industrially zoned areas, only to have their new operations surrounded by residential units some years later. Therefore, the committee saw fit to amend the provision by restoring the concept of reasonableness, one to which the agency and the courts are accustomed, and by removing the reference to residential neighbours.

Hon. Hugh Segal: Honourable senators, I wanted to rise in support of the motion for adoption advanced by the chairman of the committee.

On our behalf, may I first express our great appreciation for the leadership and the superb management of the committee that the chair, Senator Bacon, showed throughout the very technical and demanding discussions. It was, for a new senator, a remarkable experience to be in the presence of a pro whose depth of experience and reach facilitated a non-partisan and constructive discussion from all sides.

Bill C-11, which is now before us, is making substantial changes to the Transportation Act, as the committee report clearly indicates. The committee heard from witnesses representing a dozen different organizations and other stakeholders. The clear message from witnesses was that after seven years of consultation and debate, the time has really come to pass this bill amending the Canada Transportation Act.

Bill C-11 will provide many benefits to Canadians, and senators on the committee acknowledge the importance of approving the bill in a reasonably quick period of time so that Canadians can enjoy the benefits of the changes. These benefits include the adding of environmental sustainability and security as principals to the statement on national transportation policy, giving the Canadian Transportation Agency the formal authority to mediate and arbitrate disputes including those between shippers and railways; extending the provisions on airline mergers and acquisitions to other federally regulated transportation entities; and providing the authority for the agency to make regulations on airfare advertising.

I want to emphasize that there have been extensive consultations, both in the other place and here, on the matters addressed in Bill C-11. Many stakeholders not only support the bill, but are also anxious that it be passed. The committee approved amendments that affected two provisions, as our committee chair so ably indicated.

• (1450)

As a new senator from the class of 2005, I want to share with honourable senators the learning experience that I had on this committee. As some may know, the committee made amendments to the bill as it came out of the House of Commons, which had been amended from the original government version by, I think, Mr. McGuinty, with respect to one or two important matters. The bill arrived in the Senate for that discussion and was sent to our committee. The government members were prepared to support the bill with the Liberal amendments in an act of non-partisan cooperative enterprise. We were then faced with the good faith and constructive amendments made by Liberal members of the committee to return the bill to the form it had been in when the government first presented it to the House of Commons committee before it was amended by Liberal members of that place. We found ourselves on this side defending the version as amended by the Liberals, and then we found ourselves coming to the defence of the version as returned to the original state by the Liberals. Today we stand here, once again in a spirit of

non-partisan cooperation, supporting amendments by our Liberal friends that countervail the amendments made in the other place.

I point out with great respect that Senator Munson and Senator Dawson, who played such a constructive role, have undertaken that when this chamber, in due consideration, ships this bill, should it decide to do so, back to the other place, they will consult broadly with their colleagues in that other place so that the bill comes back quickly. They have further undertaken on the record that should the other place dither and not approve it, they will move quickly to act with this engaged, non-partisan administration to pass the bill quickly through this chamber. We are grateful on this side for that level of engagement.

In all seriousness, this is important legislation. The fact is that the two sides can work together, without regard to partisan distinction, even though we have all had the experience of bumping into ourselves coming around the corner on this particular piece of legislation.

I believe that we can make progress for Canada, for the transportation sector, for rail passengers, for freight, for the entire spectrum, and I commend honourable senators to move quickly on the outstanding motion made by the chairman of the committee for the adoption of this report.

Hon. Rod A. A. Zimmer: Honourable senators, I too rise in support of this bill. In light of the first amendment to Bill C-11 outlined in the tenth report of the Standing Senate Committee on Transport and Communications which amended lines 2 and 3 and lines 7 to 11 of clause 29, I rise today to move a consequential amendment. This consequential amendment was recommended by Transport Canada officials during the clause-by-clause review on May 16, 2007, to ensure that the wording of section 95.3(1) is consistent with the amended wording of the rest of the section 95. Thus, I move:

THAT the Tenth Report of the Standing Senate Committee on Transport and Communications be not now adopted but that it be amended, at amendment No. 1 (b) by adding after "or operation takes place." the following:

“; and

(c) Replace lines 32 to 34 with the following:

“that the Agency considers reasonable to ensure compliance with that section.”.”.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Are honourable senators ready for the question on the main motion?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report, as amended, adopted.

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Segal, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this report be adopted.

The Hon. the Speaker: It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, that the report be adopted.

Hon. Pierrette Ringuette: Honourable senators, I did not understand that we were at this item on the Orders of the Day. I would like to speak on this bill. I move the adjournment.

Senator Oliver: There is a motion.

The Hon. the Speaker: Honourable senators, the table called Item No. 2, resuming debate on the consideration of the first report of the Special Senate Committee, and that was read. The Honourable Senator Comeau rose and put a motion, which I then put to the house. I think we will have to deal with the motion.

Hon. Anne C. Cools: Honourable senators, my understanding, and we went through this a few days ago, is that prior to Senator Comeau closing the debate, His Honour must first ask all senators if there is anyone who wishes to speak. He is closing the debate.

Senator Tkachuk: Debate after moving the motion?

Senator Cools: Prior to putting the question, Your Honour, you have to ask. He can do anything he wants. Your duty is to inquire if any senators want to speak in the debate.

The Hon. the Speaker: The chair always appreciates assistance as to what the chair ought to do. The table called for resuming debate, I heard it, so we are resuming debate.

Senator Comeau: I will resume debate. Honourable senators, today is a very historic day. May 30, 2007, the one-year anniversary of the introduction of Bill S-4, to amend the Constitution Act 1867 (Senate tenure).

• (1500)

This bill is getting so old that it is now eating pabulum, and in fact, we can see some mould growing. The bill continues to be debated at the Standing Senate Committee on Legal and Constitutional Affairs. I have been told they are running out of witnesses. They have had to ask the provinces three times to appear before the committee. The provinces appeared before the committee that dealt with the source report, and the Standing Senate Committee on Legal and Constitutional Affairs has twice asked the premiers to appear. The premiers are tired of receiving letters requesting their appearance. Every time we get a new premier, another list of letters goes out to all the existing premiers.

The subject matter was entirely and previously debated by a special committee made up of senators from all parties, as well as non-aligned senators. The committee was chaired by our colleague, the Honourable Senator Hays. On October 26, 2006, the committee tabled its report. The committee concluded that the bill was constitutional and that the term limits for senators would be an improvement to the Senate as it now exists.

In light of the impending retirement of Senator Hays, who has emerged as a champion of reform, and in light of the public's desire to see reform brought to this chamber and to Parliament in general, I feel the time is right for the Senate to adopt this report.

We have been dealing with this bill now for one year. I cannot understand why the other side continues to delay this matter. It would be a nice parting gift to one of their colleagues.

Senator Oliver: Happy birthday.

Senator Comeau: Happy birthday. The baby can now walk. Let us at least adopt this first report and give our retiring colleague, Senator Hays, a nice parting gift and say: Senator Hays, you did a good job; we approve of what you did and we therefore accept your report.

Senator Cools: I have a point of order. Honourable senators, I have indicated before that I was interested in speaking to this debate. A few moments ago, before Senator Comeau began to speak, another senator rose and indicated her interest in speaking to the debate. Before the senator who moved the motion to put the report before us for debate spoke, I said that it was up to the Speaker to inquire whether or not other senators wanted to speak.

I just went to the table and inquired as to who moved Item No. 2 at the bottom of page 3, for consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, an Act to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate October 26, 2006.

The table informs me that the mover and seconder of that motion were, respectively, Senator Comeau and Senator Di Nino. What is happening here, honourable senators, is that Senator Comeau is essentially speaking to be able to close the debate. I understand that His Honour recognized him in resuming debate.

Senator Comeau is not resuming debate; he is terminating debate. He is closing debate. It is not helpful that words like "resuming debate" should be confused with "closing debate." The point I was trying to make is that before any mover of a motion closes the debate, His Honour has a duty to inquire as to whether or not other senators wish to speak.

I feel that I am quite correct on the substance of the issue. There is no doubt that Senator Comeau is not resuming debate; he is attempting to terminate and close the debate.

I would like to appeal to His Honour for a ruling, if necessary, because I would like to speak in this debate, and I indicated that some days ago. I understand that there are other senators who wish to speak and I understand that perhaps today is an anniversary, but Senator Comeau should understand that one year is a youthful time, a tender age, and should not cause much fretting from senators who, after all, have to be older to be able to be here.

Honourable senators, I would like to appeal to the Senate and to the Speaker. I want to speak in this debate, but I am not ready to speak today. The house is not ready for Senator Comeau to close the debate. If members of the house had realized that Senator Comeau had moved the motion and was, in fact, closing the debate, they would not have agreed.

The Hon. the Speaker: I agree.

Honourable senators, resuming debate.

Senator Ringuette: I move to adjourn the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Those honourable senators in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The whips have agreed on a 30-minute bell. The vote will therefore take place at 3:37 p.m.

• (1540)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|-------------|-------------------|
| Adams | Hervieux-Payette |
| Atkins | Hubley |
| Bacon | Joyal |
| Banks | Kenny |
| Biron | Lapointe |
| Bryden | Lavigne |
| Callbeck | Losier-Cool |
| Campbell | Lovelace Nicholas |
| Carstairs | Mahovlich |
| Chaput | Merchant |
| Cook | Milne |
| Cools | Mitchell |
| Corbin | Moore |
| Cordy | Munson |
| Cowan | Murray |
| Dallaire | Pépin |
| Dawson | Peterson |
| Day | Poulin |
| De Bané | Prud'homme |
| Downe | Ringuette |
| Eggleton | Rivest |
| Fairbairn | Robichaud |
| Fitzpatrick | Rompkey |
| Fox | Smith |
| Fraser | Stollery |
| Furey | Tardif |
| Goldstein | Watt |
| Grafstein | Zimmer—56 |

NAYS THE HONOURABLE SENATORS

| | |
|------------|-------------|
| Andreychuk | LeBreton |
| Angus | Meighen |
| Cochrane | Nancy Ruth |
| Comeau | Nolin |
| Di Nino | Oliver |
| Eyton | Segal |
| Gustafson | St. Germain |
| Johnson | Stratton |
| Keon | Tkachuk—18 |

ABSTENTIONS THE HONOURABLE SENATORS

Nil

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a point of order. The vote we just went through arose from a motion that I had moved that we adopt item No. 2 of Reports of Committees. As I was listening to Senator Cools explain why I did not have the right to move such a motion, I was thinking about whether I had, in fact, spoken on this motion before because it had not come to my mind that I had. In deference to the fact that Senator Cools had said that she received her information from the table that I was, in fact, the mover of the adoption of item No. 2 of Reports of Committees and that Senator Di Nino had been the seconder, I went back to my office and had my assistants bring out the information relating to this report. I would like to read into the record the following from the Debates of the Senate of October 26, 2006, under Routine Proceedings, page 961:

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE
ON SUBJECT MATTER TABLED

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have the honour to table the first report of the Special Senate Committee on Senate Reform, which deals with the subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Hays, report placed on the Orders of the Day for consideration two days hence.

I also have the Debates of the Senate of October 30, 2006, and I will read from page 1020:

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators . . .

Honourable senators, what bothers me is that Senator Cools was informed that I had moved this report for consideration and that it had been seconded by Senator Di Nino. The Speaker concurred, obviously, with the information that was provided by Senator Cools, who received it from the table. Therefore, my motion to have this bill dealt with today was denied, and I took the position that I had better be absolutely sure. I am not certain whether others took as much interest in what I was doing, so it is a lesson to all of us that we should be more careful about how we deal with these issues.

My point of order, therefore, is that I had not spoken on this report. I must admit, I did speak to the subject of the bill. In fact, I introduced the bill, but this is a committee report, which Senator

Hays tabled for consideration. All I wanted to do today was move a motion — and I was denied by the ruling provided by the table. Senator Cools said that the table had provided this information, and therefore, my motion was not even considered because of what is, in my view, false information. That information should have been more thoroughly checked, and, Your Honour, I feel aggrieved that what should have been a perfectly normal motion was denied.

The Hon. the Speaker: Honourable senators, I do not need to hear any more.

The matter before us was consideration of the report. The chair recognized Senator Comeau. Senator Comeau rose to speak on consideration of the report and he moved a motion which was seconded. We are considering a report and a motion asking that that report be adopted. We went over a couple of potholes along the way, but the question that was clearly before the Senate, when Senator Ringuette got up to speak, was the question to adopt the report.

• (1550)

I apologize for any confusion. I think it was all done in good faith. We are considering the report; there is now a motion before us. We have at least one question at the end of the debate: Shall it be adopted or not? When we see the Orders of the Day for tomorrow it will reflect the motion to adopt.

If that is clear for all honourable senators, we will call the next item.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-280, to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for consideration two days hence.

PARLIAMENTARY EMPLOYMENT
AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to Bill S-219 introduced by Senator Joyal to amend the Parliamentary Employment and Staff Relations Act.

Before dealing with Bill S-219, I want to speak to the issue of human rights in general. In this chamber we often pay tribute to the Charter of Rights and Freedoms, universal human rights and specific human rights legislation developed over the years in Canada. However, honourable senators have not systematically looked at the application of these rights.

Parliamentarians are rather unique. While human rights legislation applies to the precinct of Parliament, nonetheless due to parliamentary privilege, the method by which Parliament complies with human rights legislation has been within the discretion of the parliamentary legislators, legislatures, House of Commons or Senate of Canada.

In our particular case, within the Senate, we have employees who are caught within the definition of parliamentary privilege, those who are not within the definition of parliamentary privilege and others who work for individual senators in varying capacities. It is time that we looked at our human rights obligations to ensure that our employees have the same rights as other Canadians subject only to parliamentary privilege.

Honourable senators should be mindful that we should not curtail an employee's rights except and when we believe parliamentary privilege is necessary.

I remind honourable senators that I introduced a motion in this regard in the Senate which has been referred to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. The issue is to develop a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada. Senator Joyal's Bill S-219 covers another gap with employees. I believe the order, which was referred to the Rules Committee, coupled with Senator Joyal's bill and a full overview of employee rights would be desirable to ensure that senators are mindful of and are complying with human rights legislation in Canada. We would then be on more solid ground when we request governments and others to comply with such rights.

Turning to Bill S-219, Senator Joyal pointed to a gap in the way that employees of the Parliament of Canada are protected under the Canadian Human Rights Act. It is this gap that he hopes to close with Bill S-219.

When Senator Joyal spoke to the bill, he referred to the 2005 decision by the Supreme Court of Canada in the *Vaid* case. The court had been asked, in effect, whether or not employees of the Parliament were protected by the Canadian Human Rights Act.

The findings of the court state that:

The Canadian Human Rights Act applies to all employees of the federal government including those working for Parliament. However, the fact that [*Vaid*] claims a violation of his human rights does not automatically steer the case to the Canadian Human Rights Commission. Rather, in this case, V's complaints

of discrimination and harassment contrary to the provisions of the Canadian Human Rights Act arose in the context of his claim of constructive dismissal and therefore fall within the grievance procedure established under PESRA, or the Parliamentary Employment and Staff Relations Act.

The PESRA created a specific regime governing the labour relations of parliamentary employees. Its system of redress, which covers complaints about violations of statutory standards such as those found in the Canadian Human Rights Act, runs parallel to the enforcement machinery under the Canadian Human Rights Act. While not all potential claims to relief under the Canadian Human Rights Act would be barred by the s.2 of the PESRA, there is clearly a measure of duplication in the two statutory regimes, and the purpose of s.2 of PESRA is to avoid such duplication.

Since Parliament has determined that workplace grievances of employees covered by the PESRA are to be dealt with under the PESRA, and as PESRA includes grievances related to violations of standards established by the Canadian Human Rights Act, V is obliged to seek relief under the PESRA. There is nothing in V's complaints to lift his grievance out of its specific employment context.

The Supreme Court of Canada basically found that the Human Rights Act does apply to parliamentary employees, but with parliamentary privilege, it is up to Parliament to decide how to address the implementation of human rights for parliamentary staff.

What Parliament has decided to this point is that parliamentary employees covered by PESRA who have a grievance must seek redress under the PESRA. This seems straightforward, but the situation is a little more complicated than it first appears. As Senator Joyal rightly pointed out, PESRA does not offer quite the same protection under its grievance procedure as is provided by the Canadian Human Rights Tribunal.

Senator Joyal emphasized that under PESRA:

... the Canadian Human Rights Commission has no standing, no right to intervene and no possibility to support the claims or grievances of the employees.

As the Supreme Court of Canada pointed out, PESRA operates parallel to the Canadian Human Rights Act and section 2 of PESRA ensures there is no duplicity between the two. The relevant part of section 2 states that:

Except as provided in this Act, nothing in any other Act of Parliament that provides for matters similar to those provided for under this Act and nothing done there under, whether before or after the coming into force of this section, shall apply to or in respect of or have any force or effect in relation to the institutions and persons described in this section.

Furthermore, the Public Service Relations Act, which governs public service employees, includes a means to protect them should they have a human rights grievance. Under this act the Canadian

Human Rights Commission is called to appear and take a stand in support of employees who seek redress or have grievances to file. There is no such requirement under PESRA.

This is a problem and one that our honourable colleague has chosen to rectify legislatively through Bill S-219.

This bill will bring about three key changes to our existing laws. First, it will amend the Parliamentary Employment and Staff Relations Act to provide for notice to be given to the Canadian Human Rights Commission when a grievance referred to adjudication raises an issue involving the interpretation of the application of the Canadian Human Rights Act. Clearly this will create a link between PESRA and the Human Rights Act.

Second, it will set out the powers of an adjudicator named under the Parliamentary Employment and Staff Relations Act to interpret and apply the Canadian Human Rights Act.

Third, it will repeal subsection 4(1) of the Parliamentary Employment and Staff Relations Act that gives privileges immunities and powers referred to in the non-derogation —

The Hon. the Speaker: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate on April 6, 2006, I declare the Senate adjourned until Thursday, May 31, 2007 at 1:30 p.m., the Senate so decreed.

The Senate adjourned to Thursday, May 31, 2007, at 1:30 p.m.

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